

THE  
JOURNAL OF THE ASSEMBLY

DURING THE  
TWENTIETH SESSION

OF THE  
*Legislature of the State of California,*

1873-74.

BEGAN ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN HUNDRED  
AND SEVENTY-THREE, AND ENDED ON MONDAY, THE THIRTIETH DAY  
OF MARCH, EIGHTEEN HUNDRED AND SEVENTY-FOUR.



SACRAMENTO:  
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JOURNAL  
OF THE  
PROCEEDINGS OF THE ASSEMBLY.



# CALIFORNIA LEGISLATURE—ASSEMBLY.

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## TWENTIETH SESSION.

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HOUSE OF ASSEMBLY,  
Monday, December 1st, 1873. }

- Pursuant to law, the House was called to order by Marcus D. Boruck, Esq., Chief Clerk of the last session.

The roll of counties was called, and the following gentlemen appeared, and were duly qualified by taking the following oath, which was administered by the Hon. Chief Justice, W. T. Wallace, of the Supreme Court:

### OATH OF OFFICE.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of member of Assembly according to the best of my ability. So help me God.

*Alameda*—J. A. Amerman, W. J. Gurnett.

*Alpine and Amador*—W. H. Stowers, L. Miller.

*Butte*—J. B. Clark, J. C. Gray.

*Calaveras*—Edward Fahey, W. B. Peck, Geo. W. Gilmore.

*Colusa and Tehama*—John Simpson.

*Contra Costa*—A. W. Hammitt.

*Del Norte and Klamath*—J. E. Murphy.

*El Dorado*—G. E. Williams, G. W. Simpers, G. H. Ingham.

*Fresno*—John W. Ferguson.

*Humboldt*—B. G. Hurlburt.

*Kern and Tulare*—W. Canfield.

*Lake and Napa*—S. K. Weich.

*Lassen and Plumas*—J. D. Byers.

*Los Angeles*—A. Higbie, J. E. Venable.

*Marin*—T. J. Ables.

*Mariposa*—J. W. Snyder.

*Mendocino*—D. W. McCallum.

*Merced and Stanislaus*—H. B. Davis.  
*Monterey*—E. C. Tully.  
*Nevada*—A. J. Pelham, G. W. Giffen, B. C. Northup, William Hill.  
*Placer*—W. C. Norton, W. Roush, S. B. Burt.  
*Sacramento*—P. Coggins, P. H. Russell, R. Kercheval, J. N. Barton,  
 W. E. Bryan.  
*San Bernardino*—N. J. Pishon.  
*San Diego*—W. W. Bowers.  
*San Francisco*—M. M. Estee, D. Rogers, J. F. Swift, John Hamill, W.  
 A. Aldrich, C. C. Terrill, James Patterson, B. C. Vandall, G. C. Wick-  
 ware, D. Freidenrich, J. F. Cowdery, Robert Howe.  
*San Joaquin*—Samuel Meyers, A. C. Paulsell.  
*San Luis Obispo, Santa Barbara, and Ventura*—A. G. Escandon.  
*San Mateo*—James Byrnes.  
*Santa Clara*—Thomas Rea, F. C. Franck, Alexander Hay.  
*Santa Cruz*—C. L. Thomas.  
*Shasta*—R. Klotz.  
*Sierra*—S. Winchell, W. R. Morgan.  
*Siskiyou*—J. W. McBride, W. T. Cressler.  
*Solano*—J. L. Heald.  
*Sonoma*—W. S. M. Wright, J. Dixon, W. H. Northcutt.  
*Sutter*—A. L. Chandler.  
*Trinity*—W. J. Tinnin.  
*Tuolumne, Mono, and Inyo*—J. W. Summers, J. E. Parker, W. G. Long.  
*Yuba*—J. C. Bradley, Martin Knox.

Mr. Howe presented a petition from A. Wasson, H. Rogers, N. Hays, and P. Ryan, citizens of San Francisco, setting forth that they were voted for and duly elected members of the Legislature, at the last general election, and that they contested the seats of certain members therein mentioned.

By unanimous consent, the petition was received and placed on file. The roll was called, and a quorum present.

Mr. Swift moved that Mr. Freeman, of Yolo, who had not previously qualified, should now take the oath of office. There being no objection, Mr. Freeman was sworn into office as a member of the House by the Hon. Chief Justice Wallace.

At twelve o'clock and fifty minutes p. m., on motion of Mr. Tinnin, the House adjourned until Tuesday, at twelve o'clock m.

M. D. BORUCK.

Chief Clerk of Assembly.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
 Tuesday, December 2d, 1873. }

House met pursuant to adjournment.

Marcus D. Boruck, Chief Clerk of the last session, called the House to order.

Roll called, and quorum present.  
 Prayer by the Rev. Mr. Schelling.  
 Journal of yesterday read and approved.

#### RESOLUTIONS.

Mr. Murphy offered the following resolution:

*Resolved*, That the Standing Rules of the Assembly of the nineteenth session of the California Legislature, with the exception of Rule Seventy, govern the proceedings of this House till changed; and

*Resolved*, That Rule Seventy of the eighteenth session be adopted.

Adopted.

Mr. Amerman offered a resolution, pending which Mr. Swift rose to a question of privilege, in relation to the announcement by the Chief Clerk of the result of the vote on adjournment on yesterday, moving that the House now proceed to the election of a temporary presiding officer, and named Mr. Cowdery for such officer.

The resolution offered by Mr. Amerman was taken up, reading as follows:

*Resolved*, That the Assembly do now proceed to the election of its officers and attachés, in the following order:

1. Speaker.
2. Speaker pro tem.
3. Chief Clerk.
4. Two Assistant Clerks.
5. Sergeant-at-Arms.
6. Assistant Sergeant-at-Arms.
7. Minute Clerk.
8. Journal Clerk.
9. Two Copying Clerks.
10. Enrolling Clerk.
11. Engrossing Clerk.
12. Four Porters.
13. Four Pages.
14. Postmaster.
15. Post Office Page.
16. Paper Folder.

The resolution was adopted.

N. Gilmore, of El Dorado, and J. C. Carter, of Yuba, appeared, and were sworn in as members of the House, the oath of office being administered by Grant I. Taggart, Esq., Clerk of the Supreme Court.

#### ELECTION OF OFFICERS—FOR SPEAKER.

Nominations being in order, Mr. Swift nominated M. M. Estee.

Mr. Bradley nominated F. S. Freeman.

Mr. Murphy nominated W. J. Tinnin.

The roll was called, with the following result:

Names.	Estee.	Freeman.	Tinnin.
Ables .....	1		
Aldrich .....	1		
Amerman .....		1	
Barton .....	1		
Bowers .....		1	
Bradley .....		1	
Bryan.....	1		
Burt.....		1	
Byers .....	1		
Byrnes .....	1		
Canfield .....	1		
Carter .....		1	
Chandler.....		1	
Clark.....			1
Coggins.....	1		
Cowdery.....	1		
Cressler.....	1		
Davis.....			1
Dixon .....			1
Escandon .....			1
Fahey.....			1
Franck.....	1		
Freeman .....			
Freidenrich.....	1		
Ferguson.....			1
Giffen .....			1
Gilmore, of Calaveras.....		1	
Gilmore, of El Dorado .....			1
Gray.....	1		
Gurnett.....		1	
Hamill .....	1		
Hammitt.....	1		
Hay .....	1		
Heald .....	1		
Higbie.....	1		
Hill.....			1
Howe.....			1
Hurlburt .....	1		
Ingham .....			1
Kercheval.....	1		
Klotz .....			1
Knox .....		1	
Long .....		1	
McBride .....			1
McCallum.....	1		
Meyers.....	1		
Miller .....		1	
Morgan .....		1	
Murphy .....			1
Northcutt.....			1

Names.	Estee.	Freeman.	Tinnin.
Northup .....	1		
Norton.....	1		
Parker .....			1
Patterson .....	1		
Paulsell.....	1		
Peek .....		1	
Pelham .....			1
Pishon.....	1		
Rea .....	1		
Rogers .....	1		
Roush.....	1		
Russell.....	1		
Simpers.....			1
Simpson .....	1		
Snyder .....		1	
Stowers.....			1
Summers .....			
Swift .....	1		
Terrill .....	1		
Tinnin .....			
Thomas.....	1		
Tully .....			1
Vandall.....	1		
Venable .....			1
Welch .....	1		
Wickware .....	1		
Williams.....			1
Winchell.....		1	
Wright.....			1
Mr. Speaker.....			

For Mr. Tully—Messrs. Summers and Tinnin—2.

For Mr. Bradley—Mr. Freeman—1.

Whole number of votes cast.....	80
Necessary to a choice.....	41
Mr. Estee received.....	38
Mr. Freeman received.....	17
Mr. Tinnin received.....	20
Mr. Tully received.....	4
Mr. Bradley received.....	1

Being no choice, roll was called again, as follows:

Names.	Estee.	Freeman.	Tinnin.
Ables .....	1		
Aldrich .....	1		
Amerman .....		1	
Barton .....	1		
Bowers.....		1	
Bradley.....		1	
Bryan.....	1		
Burt.....		1	
Byers .....	1		
Byrnes .....	1		
Canfield.....	1		
Carter .....		1	
Chandler.....		1	
Clark .....			
Coggins.....	1		
Cowdery.....	1		
Cressler.....	1		
Davis .....			1
Dixon .....			1
Escandon.....			1
Fahey.....			1
Franck .....	1		
Freeman .....			
Freidenrich .....	1		
Ferguson .....			1
Giffen.....			1
Gilmore, of Calaveras.....	1		
Gilmore, of El Dorado.....			1
Gray .....	1		
Gurnett .....		1	
Hamill.....	1		
Hammitt .....	1		
Hay.....	1		
Hald.....	1		
Higbie.....	1		
Hill .....			1
Howe .....			1
Hurlburt.....	1		
Ingham.....			1
Kercheval.....	1		
Klotz.....			1
Knox .....		1	
Long .....		1	
McBride .....			1
McCallum.....	1		
Meyers .....	1		
Miller.....		1	
Morgan .....		1	



Names.	Estee.	Freeman.	Tinnin.
Murphy.....			1
Norcutt .....			1
Northup .....			1
Norton .....	1		
Parker.....			1
Patterson.....	1		
Paulsell.....	1		
Peek .....		1	
Pelham .....			1
Pishon .....	1		
Rea... ..	1		
Rogers .....	1		
Roush .....	1		
Russell .....	1		
Simpers .....			1
Simpson.....	1		
Snyder.....		1	
Stowers.....	1		
Summers.....			1
Swift.....	1		
Terrill.....	1		
Tinnin .....			
Thomas.....	1		
Tully.....			1
Vandall .....	1		
Venable .....			1
Welch .....	1		
Wickware.....	1		
Williams .....			1
Winchell.....		1	
Wright.....			1
Mr. Speaker.....			

For Mr. Tully—Messrs. Clark and Tinnin—2.

For Mr. Bradley—Mr. Freeman—1.

Whole number of votes cast.....	79
Necessary to a choice.....	40
Mr. Estee received.....	39
Mr. Freeman received.....	14
Mr. Tinnin received.....	23
Mr. Tully received.....	2
Mr. Bradley received.....	1

There being no choice, the roll was again called, with the following result:

Names.	Estee.	Freeman.	Tinnin.
Ables.....	1		
Aldrich .....	1		
Amerman .....		1	
Barton .....	1		
Bowers .....		1	
Bradley .....		1	
Bryan.....	1		
Burt.....		1	
Byers .....	1		
Byrnes .....	1		
Canfield .....	1		
Carter .....		1	
Chandler .....		1	
Clark.....			1
Coggins .....	1		
Cowdery .....	1		
Cressler .....	1		
Davis.....			1
Dixon .....			1
Escandon.....			1
Fahey.....			1
Franck.....	1		
Freidenrich.....	1		
Ferguson .....			1
Giffen .....			1
Gilmore, of Calaveras.....		1	
Gilmore, of El Dorado .....			1
Gray .....	1		
Gurnett.....		1	
Hamill .....	1		
Hammitt.....	1		
Hay .....	1		
Heald .....	1		
Higbie.....	1		
Hill.....			1
Howe .....			1
Hurlburt .....	1		
Ingham.....			1
Kercheval .....	1		
Klotz.....			1
Knox.....		1	
Long .....		1	
McBride .....			1
McCallum.....	1		
Meyers.....	1		
Muller .....		1	
Morgan .....		1	

Names.	E-tee.	Freeman.	Tinnin.
Murphy .....	.....	.....	1
Northcutt.....	.....	.....	1
Northup .....	.....	.....	1
Norton .....	1	.....	.....
Parker .....	.....	.....	1
Patterson .....	1	.....	.....
Paulsell.....	1	.....	.....
Peek .....	.....	1	.....
Pelham .....	.....	.....	1
Pishon.....	1	.....	.....
Rea .....	1	.....	.....
Rogers .....	1	.....	.....
Roush .....	1	.....	.....
Russell .....	1	.....	.....
Simpers.....	.....	.....	1
Simpson .....	1	.....	.....
Snyder .....	.....	1	.....
Stowers.....	1	.....	.....
Summers.....	.....	.....	1
Swift.....	1	.....	.....
Terrill .....	1	.....	.....
Thomas.....	1	.....	.....
Tully .....	.....	.....	1
Vandall.....	1	.....	.....
Venable .....	.....	.....	1
Welch .....	1	.....	.....
Wickware .....	1	.....	.....
Williams .....	.....	.....	1
Winchell.....	.....	1	.....
Wright.....	.....	.....	1
Mr. Speaker.....	.....	.....	.....

For Mr. Tully—Mr. Tinnin—1.

For Mr. Bradley—Mr. Freeman—1.

Whole number of votes cast.....	79
Necessary to a choice.....	40
Mr. Estee received .....	38
Mr. Freeman received .....	15
Mr. Tinnin received.....	24
Mr. Tully received.....	1
Mr. Bradley received.....	1

Mr. Venable placed in nomination for Speaker, Mr. E. C. Tully.

The roll was now called, with the following result:

Names.	Estee.	Freeman.	Tinnin.
Ables.....	1		
Aldrich .....	1		
Amerman .....		1	
Barton .....	1		
Bowers .....		1	
Bradley.....		1	
Bryan .....	1		
Burt.....		1	
Byers.....	1		
Byrnes .....	1		
Canfield.....	1		
Carter.....		1	
Chandler .....		1	
Clark .....			1
Coggins.....	1		
Cowdery .....	1		
Cressler.....	1		
Davis .....			1
Dixon .....			1
Escandon.....			
Fahey.....			1
Franck .....	1		
Freeman .....			
Freidenrich .....	1		
Ferguson .....			
Giffen.....			1
Gilmore, of Calaveras.....		1	
Gilmore, of El Dorado.....			1
Gray.....	1		
Gurnett .....		1	
Hamill.....	1		
Hammitt.....	1		
Hay .....	1		
Heald.....	1		
Higbie .....	1		
Hill .....			1
Howe.....			
Hurlburt.....	1		
Ingham .....			1
Kercheval.....	1		
Klotz .....			1
Knox .....			
Long.....		1	
McBride .....			1
McCallum .....	1		
Meyers.....	1		
Miller .....		1	
Morgan.....		1	

Names.	Estee.	Freeman.	Tinnin.
Murphy.....			1
Northcutt.....			1
Northup.....			1
Norton.....	1		
Parker.....			
Patterson.....	1		
Paulsell.....	1		
Peck.....		1	
Pelham.....			1
Pishon.....	1		
Rea.....	1		
Rogers.....	1		
Roush.....	1		
Russell.....	1		
Simpers.....			1
Simpson.....	1		
Snyder.....		1	
Stowers.....	1		
Summers.....			
Swift.....	1		
Terrill.....	1		
Tinnin.....			
Thomas.....	1		
Tully.....			1
Vandall.....	1		
Venable.....			
Welch.....	1		
Wickware.....	1		
Williams.....			1
Winchell.....		1	
Wright.....			1
Mr. Speaker.....			

For Mr. Tully—Messrs. Escandon, Ferguson, Howe, Parker, Summers, Tinnin, and Venable—7.

For Mr. Bradley—Mr. Freeman—1.

Whole number of votes cast .....	79
Necessary to a choice .....	40
Mr. Estee received.....	38
Mr. Tinnin received.....	18
Mr. Freeman received.....	15
Mr. Tully received.....	7
Mr. Bradley received.....	1

No choice.

At one o'clock p. m., Mr. Tinnin moved to adjourn, on which the ayes and noes were demanded by Messrs. Coggins, Ables, and Rogers, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bowers, Carter, Davis, Dixon, Escandon, Fahey, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Ingham, McBride, Murphy, Northcutt, Northup, Peek, Simpers, Tinnin, Tully, Venable, Williams, and Wright—24.

NOES—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Franck, Freidenrich, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Kerecheval, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Vandall, Welch, Wickware, and Winchell—55.

Mr. Murphy, by consent, withdrew the name of Mr. Tinnin, and the roll was again called, with the following result:

Names.	Estee.	Freeman.	Tully.
Ables.....	1		
Aldrich .....	1		
Amerman .....		1	
Barton .....	1		
Bowers.....		1	
Bradley.....		1	
Bryan.....	1		
Burt.....		1	
Byers.....	1		
Byrnes .....	1		
Canfield .....	1		
Carter.....		1	
Chandler.....		1	
Clark .....			1
Coggins.....	1		
Cowdery.....	1		
Cressler .....	1		
Davis .....			1
Dixon .....			1
Escandon.....			1
Fahey.....		1	
Franck.....	1		
Freidenrich.....	1		
Ferguson .....			1
Giffen .....			1
Gilmore, of Calaveras.....		1	
Gilmore, of El Dorado.....			1
Gray.....	1		
Gurnett.....		1	
Hamill .....	1		
Hammitt.....	1		
Hay .....	1		
Heald .....	1		
Higbie .....	1		
Howe.....			1

Names.	Estee.	Freeman.	Tally.
Hurlburt.....	1		
Ingham.....			1
Kercheval.....	1		
Klotz.....	1		
Knox.....		1	
Long.....		1	
McBride.....			1
McCallum.....	1		
Meyers.....	1		
Miller.....		1	
Morgan.....		1	
Murphy.....	1		
Northcutt.....			1
Northup.....			1
Norton.....	1		
Parker.....			1
Patterson.....	1		
Paulsell.....	1		
Peek.....		1	
Pelham.....			1
Pishon.....	1		
Rea.....	1		
Rogers.....	1		
Roush.....	1		
Russell.....	1		
Simpers.....			1
Simpson.....	1		
Snyder.....		1	
Stowers.....	1		
Summers.....			1
Swift.....	1		
Terrill.....	1		
Tinnin.....			1
Thomas.....	1		
Vandall.....	1		
Venable.....			1
Welch.....	1		
Wickware.....	1		
Williams.....			1
Winchell.....		1	
Wright.....			1

For Mr. Bradley—Mr. Freeman.

Whole number of votes cast.....	79
Necessary to a choice.....	40
Mr. Estee received.....	40

Mr. Tinnin received.....	1
Mr. Tully received.....	20
Mr. Freeman received .....	16
Mr. Bradley received.....	1
Mr. Northup received .....	1

There being no choice, the roll was again called, as follows:

Names.	Estee.	Tully.	Freeman.
Ables.....	1		
Aldrich.....	1		
Amerman .....			1
Barton.....	1		
Bowers .....			1
Bradley.....			1
Bryan .....	1		
Burt.....			1
Byers .....	1		
Byrnes.....	1		
Canfield.....	1		
Carter.....			1
Chandler.....			1
Clark.....		1	
Coggins .....	1		
Cowdery.....	1		
Cressler.....	1		
Davis.....		1	
Dixon. ....		1	
Escandon .....		1	
Fahey.....		1	
Franck.....	1		
Freeman.....			
Freidenrich.....	1		
Ferguson .....		1	
Giffen .....		1	
Gilmore, of Calaveras.....			1
Gilmore, of El Dorado.....		1	
Gray .....	1		
Gurnett.....			1
Hamill .....	1		
Hammitt.....	1		
Hay .....	1		
Heald.....	1		
Higbie.....	1		
Hill.....		1	
Howe .....	1		
Hurlburt .....	1		
Ingham .....		1	
Kercheval.....	1		
Klotz.....	1		
Knox.....			1



Names.	Estee.	Tully.	Freeman.
Long.....			1
McBride.....		1	
McCallum.....	1		
Meyers.....	1		
Miller.....			1
Morgan.....			1
Murphy.....	1		
Northcutt.....		1	
Northup.....		1	
Norton.....	1		
Parker.....		1	
Patterson.....	1		
Paulsell.....	1		
Peek.....			1
Pelham.....		1	
Pishon.....	1		
Rea.....	1		
Rogers.....	1		
Roush.....	1		
Russell.....	1		
Simpers.....		1	
Simpson.....	1		
Snyder.....			1
Stowers.....	1		
Summers.....		1	
Swift.....	1		
Terrill.....	1		
Tinnin.....		1	
Thomas.....	1		
Tully.....			
Vandall.....	1		
Venable.....		1	
Welch.....	1		
Wickware.....	1		
Williams.....		1	
Winchell.....			1
Wright.....		1	

For Mr. Bradley—Mr. Freeman—1.

Whole number of votes cast ...	79
Necessary to a choice.....	40
Mr. Estee received.....	41
Mr. Tully received.....	21
Mr. Freeman received.....	15
Mr. Bradley received.....	1
Mr. Tinnin received.....	1

Mr. Estee, having received a majority of all the votes cast, was declared duly elected Speaker.

The Chief Clerk appointed the following committee to wait upon the Speaker elect and conduct him to the chair: Messrs. Tully, Freeman, and Tinnin.

The committee conducted the Speaker to the chair, where the oath of office was administered by the Chief Clerk.

#### REMARKS OF THE SPEAKER.

GENTLEMEN OF THE ASSEMBLY: I thank you for the distinguished honor you have conferred upon me. I am aware that this honor brings with it great and delicate duties. I shall endeavor, with your assistance, to perform these duties in a manner satisfactory to yourselves and the people of the State.

Gentlemen, most of us have been elected under express or implied pledges to carry out certain measures deemed of essential interest to the people of this State; first, and chief among which, will be a bill regulating freights and fares. I commend this matter to your early consideration. It is a subject upon which the people of this State have often expressed an opinion, and at this time there seems to be almost unanimity with our constituents upon that subject. The repeal of the five per cent Act, in those counties where the law still exists, seems to be demanded by our constituents. This will be a measure, also, upon which you will be called upon soon to act. It is trusted these questions of the greatest concern to the people will not be delayed until the last hours of this session, when the excitement and labor of that time may lead to inconsiderate and injudicious legislation. The apportionment of representation under the Constitution, is a matter, also, which is prescribed by the organic law of the land, and will commend itself to your early favor. The right of representation is one of the most sacred rights of the people, but the right of representation, unless it be an equitable representation, is unjust, and hence it is expected we shall remedy the evil. We are expected to carry out economy in all our measures, and I may be pardoned for suggesting, that we can hardly hope to enforce economy upon the other departments of the State if we ourselves do not practice frugality in the matters over which we have the exclusive control, like the contingent expenses of the House.

Gentlemen, profoundly sensible of the responsibility of the position which I this day assume, hoping that I may so act that I shall cause no regret for this day's proceedings, I assume the position which you have assigned me. Gentlemen of the Assembly, the next order of business will be the election of a Speaker pro tem. Nominations are in order.

#### FOR SPEAKER PRO TEM.

Mr. Ferguson nominated Robert Howe.

Mr. Cowdery nominated T. J. Ables.

Mr. Snyder nominated W. J. Gurnett.

Mr. Terrill nominated J. E. Murphy.

The roll was called, with the following result:

Names.	Howe.	Ables.	Gurnett.	Murphy.
Ables .....				1
Aldrich .....		1		
Amerman .....			1	
Barton .....		1		
Bowers .....			1	
Bradley .....			1	
Bryan .....		1		
Burt .....			1	
Byers .....		1		
Byrnes .....				1
Canfield .....			1	
Carter .....			1	
Chandler .....			1	
Clark .....	1			
Coggins .....		1		
Cowdery .....		1		
Cressler .....				1
Davis .....	1			
Dixon .....	1			
Escandon .....				
Fahey .....				1
Franck .....				1
Freeman .....			1	
Freidenrich .....		1		
Ferguson .....	1			
Giffen .....	1			
Gilmore, of Calaveras .....			1	
Gilmore, of El Dorado .....	1			
Gray .....		1		
Gurnett .....		1		
Hamill .....				1
Hammitt .....			1	
Hay .....		1		
Heald .....			1	
Higbie .....		1		
Hill .....				1
Howe .....				1
Hurlburt .....		1		
Ingham .....	1			
Kercheval .....		1		
Klotz .....	1			
Knox .....			1	
Long .....			1	
McBride .....				1
McCallum .....	1			
Meyers .....				1
Miller .....			1	
Morgan .....			1	

Names.	Howe.	Ables.	Gurnett.	Murphy.
Murphy.....	1		.	
Norheutt .....	1			
Northup.....	1			
Norton .....				1
Parker .....	1			
Patterson.....		1		
Paulsell.....	1			
Peek .....			1	
Pelham .....	1			
Pishon.....		1		
Rea .....		1		
Rogers .....		1		
Roush.....				1
Russell.....		1		
Simpers .....	1			
Simpson.....				1
Snyder.....			1	
Stowers.....				1
Summers.. ..	1			
Swift. ....		1		
Terrill.....				1
Tinnin .....	1			
Thomas .....	1			
Tully .....	1			
Vandall .....				1
Venable .....	1			
Welch .....	1			
Wickware .....		1		
Williams .....	1			
Winchell.....				1
Wright.....	1			
Mr. Speaker .....				

Whole number of votes cast.....	76
Necessary to a choice.....	39
Mr. Howe received.....	26
Mr. Ables received.....	20
Mr. Murphy received.....	16
Mr. Gurnett received.....	16

Being no choice, the roll was again called, as follows:

Names.	Howe.	Ables.	Gurnett.	Murphy.
Ables.....			1	
Aldrich.....	1			
Amerman.....			1	
Barton.....		1		
Bowers.....			1	
Bradley.....			1	
Bryan.....		1		
Burt.....		1		
Byers.....		1		
Byrnes.....				1
Canfield.....			1	
Carter.....			1	
Chandler.....			1	
Clark.....	1			
Coggins.....		1		
Cowdery.....		1		
Cressler.....				1
Davis.....	1			
Dixon.....	1			
Escandon.....	1			
Fahey.....	1			
Frank.....		1		
Freeman.....			1	
Freidenrich.....		1		
Ferguson.....	1			
Giffen.....	1			
Gilmore, of Calaveras.....			1	
Gilmore, of El Dorado.....	1			
Gray.....		1		
Gurnett.....		1		
Hamill.....				1
Hamnitt.....		1		
Hay.....	1			
Heald.....		1		
Higbie.....	1			
Hill.....				1
Howe.....				1
Hurlburt.....		1		
Ingham.....	1			
Kercheval.....		1		
Klotz.....	1			
Knox.....			1	
Long.....			1	
McBride.....				1
McCallum.....	1			
Meyers.....				1
Miller.....			1	
Morgan.....			1	
Murphy.....		1		
Northcutt.....	1			

Names.	Howe.	Ables.	Gurnett.	Murphy.
Northup.....	1			
Norton .....				1
Parker .....	1			
Patterson.....		1		
Paulsell.....	1			
Peek .....			1	
Pelham.....	1			
Pishon.....		1		
Rea .....		1		
Rogers.....		1		
Roush .....				1
Russell.....		1		
Simpers.....	1			
Simpson.....				1
Snyder.....			1	
Stowers .....				1
Summers.....	1			
Swift.....		1		
Terrill.....				1
Tinnin .....	1			
Thomas.....	1			
Tully.....	1			
Vandall.....				1
Venable.....	1			
Welch .....	1			
Wickware .....	1			
Williams .....	1			
Winchell .....			1	
Wright.....				1
Mr. Speaker.....	1			

Whole number of votes cast..... 78  
 Necessary to a choice ..... 40  
 Mr. Howe received..... 28  
 Mr. Ables received..... 21  
 Mr. Gurnett received..... 15  
 Mr. Murphy received..... 14

No choice.

The roll was again called, as follows:

Names.	Howe.	Ables.	Gurnett.	Murphy.
Ables.....			1	
Aldrich .....				1
Amerman .....			1	
Barton.....		1		
Bowers.....			1	
Bradley.....			1	
Bryan .....		1		
Burt .....		1		
Byers .....		1		
Byrnes .....				1
Canfield .....			1	
Carter .....			1	
Chandler.....			1	
Clark.....	1			
Coggins .....		1		
Cowdery .....		1		
Cressler .....		1		
Davis.....	1			
Dixon.....	1			
Escandon.....	1			
Fahey.....	1			
Franck.....		1		
Freeman .....			1	
Freidenrich.....		1		
Ferguson .....	1			
Giffen .....	1			
Gilmore, of Calaveras.....			1	
Gilmore, of El Dorado.....	1			
Gray.....		1		
Gurnett.....		1		
Hamill .....				1
Hammitt.....		1		
Hay .....	1			
Heald .....		1		
Higbie.....	1			
Hill.....	1			
Howe.....		1		
Hurlburt.....		1		
Ingham.....	1			
Kercheval .....		1		
Klotz .....	1			
Knox .....			1	
Long .....			1	
McBride .....	1			
McCallum.....	1			
Meyers.....				1

Names.	Howe.	Ables.	Gurnett.	Murphy.
Miller.....			1	
Morgan.....			1	
Murphy .....		1		
Northcutt.....	1			
Northup.....	1			
Norton .....				1
Parker .....	1			
Patterson .....		1		
Paulsell .....	1			
Peek.....			1	
Pelham .....	1			
Pishon.....		1		
Rea.....		1		
Rogers.....		1		
Roush.....				1
Russell .....		1		
Simpers.....	1			
Simpson .....				1
Snyder.....			1	
Stowers .....				1
Summers .....	1			
Swift .....				1
Terrill.....				1
Tinnin .....				1
Thomas.....	1			
Tully .....	1			
Vandall.....				1
Venable .....	1			
Welch .....	1			
Wickware.....		1		
Williams.....	1			
Winchell.....			1	
Wright.....	1			
Mr. Speaker.....				

Whole number of votes cast.....	79
Necessary to a choice.....	40
Mr. Howe received .....	28
Mr. Ables received.....	23
Mr. Gurnett received..	16
Mr. Murphy received .....	12

No choice.

At one o'clock and forty minutes P. M., Mr. Terrill moved to adjourn.  
Lost.

Mr. Ables withdrew his name as a candidate for Speaker pro tem.,  
when the roll was again called, with the following result:



Names.	Howe.	Murphy.	Gurnett.
Ables.....		1	
Aldrich.....		1	
Amerman.....			1
Barton.....	1		
Bowers.....			1
Bradley.....			1
Bryan.....		1	
Burt.....			1
Byers.....		1	
Byrnes.....		1	
Canfield.....			1
Carter.....			1
Chandler.....			1
Clark.....	1		
Coggins.....		1	
Cowdery.....		1	
Cressler.....		1	
Davis.....	1		
Dixon.....	1		
Escandon.....	1		
Fahey.....	1		
Franck.....	1		
Freeman.....			1
Freidenrich.....		1	
Ferguson.....	1		
Giffen.....	1		
Gilmore, of Calaveras.....			1
Gilmore, of El Dorado.....	1		
Gray.....			1
Gurnett.....	1		
Hamill.....		1	
Hammitt.....		1	
Hay.....	1		
Heald.....		1	
Higbie.....	1		
Hill.....		1	
Howe.....		1	
Hurlbart.....		1	
Ingham.....	1		
Kercheval.....	1		
Klotz.....	1		
Knox.....			1
Long.....			1
McBride.....	1		
McCallum.....	1		
Meyers.....		1	
Muller.....			1
Morgan.....			1
Murphy.....			1

Names.	Howe.	Murphy.	Gurnett.
Northcutt.....	1		
Northup.....	1		
Norton.....		1	
Parker.....	1		
Patterson.....	1		
Paulsell.....	1		
Peck.....			1
Pelham.....	1		
Pishon.....	1		
Rea.....	1		
Rogers.....		1	
Roush.....		1	
Russell .. .	1		
Simpers.....	1		
Simpson.....		1	
Snyder.....			1
Stowers.....		1	
Summers.....	1		
Swift.....		1	
Terrill.....		1	
Tinnin.....		1	
Thomas.....	1		
Tully.....	1		
Vandall.....		1	
Venable.....	1		
Welch.....	1		
Wickware.....	1		
Williams.....	1		
Winchell.....			1
Wright.....	1		
Mr. Speaker.....		1	

Whole number of votes cast.....	80
Necessary to a choice.....	40
Mr. Howe received.....	36
Mr. Murphy received.....	26
Mr. Gurnett received.....	18

No choice.

Mr. Gurnett withdrew his name as a candidate for Speaker pro tem.

The roll was again called, resulting as follows:

Names.	Howe.	Murphy.
Ables .....		1
Aldrich .....		1
Amerman .....	1	
Barton .....	1	
Bowers .....		1
Bradley.....		
Bryan.....		1
Burt.....		1
Byers .....		1
Byrnes .....		1
Canfield .....		1
Carter .....	1	
Chandler.....		1
Clark .....	1	
Coggins .....		1
Cowdery.....		1
Cressler.....		1
Davis .....	1	
Dixon .....	1	
Escandon.....	1	
Fahey.....	1	
Frauck.....		1
Freeman .....	1	
Freidenrich .....		1
Ferguson .....	1	
Giffen .....	1	
Gilmore, of Calaveras .....	1	
Gilmore, of El Dorado.....	1	
Gray .....	1	
Gurnett.....		1
Hamill .....		1
Hammitt .....		1
Hay .....	1	
Heald .....	1	
Higbie.....	1	
Hill .....		1
Howe.....		
Hurlburt.....		1
Ingham .....	1	
Kercheval.....	1	
Klotz .....	1	
Knox .....	1	
Long .....	1	
McBride.....		1
McCallum .....	1	
Meyers .....		1
Miller .....		
Morgan .....	1	

Names.	Howe.	Murphy.
Murphy .....	1	.....
Northcutt .....	1	.....
Northup .....	1	.....
Norton .....		1
Parker .....	1	.....
Patterson .....	1	.....
Paulsell .....	1	.....
Peek .....	1	.....
Pelham .....	1	.....
Pisbon .....	1	.....
Rea .....	1	.....
Rogers .....		1
Roush .....		1
Russell .....	1	.....
Simpers .....	1	.....
Simpson .....		1
Snyder .....	1	.....
Stowers .....		1
Summers .....	1	.....
Swift .....	1	.....
Terrill .....		1
Tinnin .....		1
Thomas .....	1	.....
Tully .....	1	.....
Vandall .....		1
Venable .....	1	.....
Welch .....	1	.....
Wickware .....	1	.....
Williams .....	1	.....
Winchell .....	1	.....
Wright .....	1	.....
Mr. Speaker .....		1

Mr. Howe, having received a majority of all the votes cast, was declared elected Speaker pro tem.

The Speaker appointed Messrs. Murphy and Ables a committee to present the Speaker pro tem, for the purpose of receiving the oath of office, which was administered by the Speaker.

#### CHIEF CLERK.

Mr. Williams nominated D. T. Loofbourrow.

Mr. Howe nominated Owen Thorn.

Mr. Amerman nominated M. D. Boruck.

The roll was called, with the following result:

Names.	Loofbourow.	Thorn.	Boruck.
Ables.....	1		
Aldrich .....	1		
Amerman .....			1
Barton .....	1		
Bowers .....			1
Bradley .....	1		
Bryan .....	1		
Burt.....	1		
Byers .....	1		
Byrnes .....			1
Canfield .....			1
Carter .....			1
Chandler .....	1		
Clark .....	1		
Coggins .....	1		
Cowdery .....	1		
Cressler .....	1		
Davis .....		1	
Dixon .....		1	
Escandon.....		1	
Fahcy.....		1	
Franck .....	1		
Freeman .....		1	
Freidenrich.....	1		
Ferguson .....		1	
Giffen .....	1		
Gilmore, of Calaveras.....			1
Gilmore, of El Dorado .....	1		
Gray.....	1		
Gurnett .....			1
Hammitt.....	1		
Hay .....		1	
Heald .....	1		
Higbie.....	1		
Hill .....	1		
Howe .....		1	
Hurlburt .....	1		
Ingham .....	1		
Kercheval .....	1		
Klotz .....	1		
Knox.....	1		
Long .....			1
McBride.....	1		
McCallum.....	1		
Meyers.....	1		
Miller .....	1		
Morgan .....			1
Murphy .....		1	

Names.	Loofbourrow.	Thorn.	Boruck.
Norhcutt.....		1	
Northup.....		1	
Norton .....	1		
Parker.....		1	
Patterson .....	1		
Paulsell.....	1		
Peek .....			1
Pelham.....		1	
Pishon .....	1		
Rea .....	1		
Rogers.....	1		
Roush.....	1		
Russell.....	1		
Simpers.....	1		
Simpson .....	1		
Snyder.....			1
Stowers.....	1		
Summers.....		1	
Swift .....	1		
Terrill.....		1	
Tinnin.....		1	
Thomas.....	1		
Tully.....	1		
Vandall.....		1	
Venable .....	1		
Welch .....	1		
Wickware .....	1		
Williams .....	1		
Winchell.....	1		
Wright.....	1		
Mr. Speaker.....	1		

Whole number of votes cast .....79

Necessary to a choice.....40

Mr. Loofbourrow having received a majority of all the votes cast, was declared elected Chief Clerk.

The Chief Clerk elect was duly sworn into office by the Speaker.

At two o'clock, on motion of Mr. Snyder, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW, Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, December 3d, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Cummings.

On motion of Mr. Tinnin, the House took a recess till eleven A. M.

## REASSEMBLED.

At eleven o'clock A. M., the House reassembled.

Speaker in the chair.

Roll called, and a quorum present.

The Journal of yesterday was read and approved.

## ELECTION OF OFFICERS RESUMED—ASSISTANT CLERKS.

Nominations were announced by the Speaker to be in order.

Mr. Hill nominated John Webber.

Mr. Welch nominated J. A. Brumsey.

Mr. Summers nominated George Seckle.

Mr. Hammitt nominated R. D. Pitt.

Mr. Coggins nominated Frank Shea.

The roll was called, with the following result:

Names.	Webber.	Brumsey.	Seckle.	Pitt.	Shea.
Ables.....	1	.....	.....	1	.....
Aldrich .....	1	.....	1	.....	.....
Amerman .....	.....	1	1	.....	.....
Barton .....	1	1	.....	.....	.....
Bowers .....	.....	1	1	.....	.....
Bradley .....	.....	1	1	.....	.....
Bryan .....	1	.....	.....	.....	1
Burt .....	1	1	.....	.....	.....
Byers .....	.....	1	1	.....	.....
Byrnes .....	1	.....	.....	1	.....
Canfield .....	.....	.....	1	1	.....
Carter.....	1	1	.....	.....	.....
Chandler.....	.....	1	.....	.....	1
Clark .....	.....	1	.....	.....	.....
Coggins.....	1	.....	.....	.....	1
Cowdery.....	1	.....	1	.....	.....
Cressler.....	1	1	.....	.....	.....
Davis .....	1	1	.....	.....	.....
Dixon.....	1	.....	1	.....	.....

Names.	Webber.	Brumsey.	Seckle.	Pitt.	Shea.
Escandon .....		1	1		
Fahey .....	1		1		
Franck .....		1		1	
Freeman .....	1				1
Friedenrich .....	1				1
Ferguson .....		1			1
Giffen .....	1			1	
Gilmore, of Calaveras .....		1	1		
Gilmore, of El Dorado .....	1	1			
Gray .....	1	1			
Gurnett .....	1		1		
Hamill .....	1			1	
Hammitt .....	1			1	
Hay .....	1	1			
Heald .....	1				1
Higbie .....	1	1			
Hill .....	1			1	
Howe .....	1	1			
Hurlburt .....	1		1		
Ingham .....	1	1			
Kercheval .....		1			1
Klotz .....		1			1
Knox .....	1				
Long .....		1	1		
McBride .....			1	1	
McCallum .....	1			1	
Meyers .....	1		1		
Miller .....		1		1	
Morgan .....		1			1
Murphy .....		1		1	
Northcutt .....	1		1		
Northup .....	1		1		
Norton .....	1	1			
Parker .....	1		1		
Patterson .....	1			1	
Paulsell .....	1		1		
Peek .....		1	1		
Pelham .....	1		1		
Pishon .....	1		1		
Rea .....		1		1	
Rogers .....	1		1		
Roush .....	1	1			
Russell .....					
Simpers .....	1	1			
Simpson .....		1		1	
Snyder .....			1		1
Stowers .....	1	1			
Summers .....	1		1		
Swift .....	1		1		
Terrill .....	1		1		



Names.	Weller.	Brumsey.	Seckle.	Pitt.	Shea.
Tinnin .....	1	1	.....	.....	.....
Thomas .....	1	1	.....	.....	.....
Tully .....	.....	1	1	.....	.....
Vandall .....	1	.....	1	.....	.....
Venable .....	1	1	.....	.....	.....
Welch .....	1	1	.....	.....	.....
Wickware .....	1	.....	1	.....	.....
Williams .....	1	1	.....	.....	.....
Winchell .....	.....	1	.....	.....	1
Wright .....	1	.....	1	.....	.....
Mr. Speaker .....	.....	.....	.....	.....	.....

Whole number of votes cast.....	78
Necessary to a choice.....	40
Mr. Webber received.....	55
Mr. Brumsey received.....	41
Mr. Seckle received.....	32
Mr. Pitt received.....	15
Mr. Shea received.....	12

John Webber and J. A. Brumsey, having received a majority of all the votes cast, were declared duly elected Assistant Clerks.

#### SERGEANT-AT-ARMS.

Mr. Stowers nominated C. A. Purington.  
 Mr. Kercheval nominated J. M. Welch.  
 Mr. Paulsell nominated Robert Patten.  
 Mr. Howe nominated Walter Slicer.  
 Mr. Coggins nominated George T. Elliott.  
 Mr. Norton nominated William M. Crutcher.  
 The roll was called, resulting as follows:

Names.	Crutcher...	Purinton...	Welch .....	Patten, .....	Sheaf.....	Ellisolt.....	Conroy.....
Ables .....	1						
Aldrich.....	1						
Amerman.....					1		
Barton.....			1				
Bowers.....		1					
Bradley.....	1						
Bryan .....			1				
Burt .....	1						
Byers .....	1						
Byrnes.....	1						
Canfield.....	1						
Carter.....					1		
Chandler.....	1						
Clark .....	1						
Coggins .....						1	
Cowdery ..	1						
Cressler.....	1						
Davis .....				1			
Dixon.....	1						
Escandon .....	1						
Fabey .....				1			
Franck .....	1						
Freeman .....	1						
Freidenrich .....	1						
Ferguson.....					1		
Giffen.....	1						
Gilmore, of Calaveras.....	1						
Gilmore, of El Dorado .....	1						
Gray.....	1						
Gurnett .....	1						
Hamill.....	1						
Hammitt .....	1						
Hay .....	1						
Heald.....						1	
Higbie .....	1						
Hill .....	1						
Howe.....					1		
Hurlburt.....		1					
Ingham, .....	1						
Kercheval.....			1				
Klotz .....			1				
Knox .....	1						
Long.....		1					
McBride .....					1		
McCallum .....	1						
Meyers .....				1			
Miller .....		1					

Names.	Crutcher ...	Purington .	Welch .....	Patten.....	Sheer .....	Elliott. ....	Conroy.....
Morgan .....		1					
Murphy .....	1						
Northcutt .....	1						
Northup.....					1		
Norton.....	1						
Parker.....					1		
Patterson.....	1						
Paulsell .....				1			
Peek .....					1		
Pelham .....					1		
Pishon .....	1						
Rea .....	1						
Rogers.....	1						
Roush.....	1						
Russell .....							
Simpers .....	1						
Simpson .....	1						
Snyder .....							1
Stowers .....		1					
Summers .....			1				
Swift.....	1						
Terrill .....	1						
Tinnin .....				1			
Thomas .....	1						
Tully .....					1		
Vandall .....	1						
Venable.....	1						
Welch.....	1						
Wickware.....	1						
Williams .....	1						
Winchell .....	1						
Wright .....	1						
Mr. Speaker .....							

Whole number of votes cast.....	78
Necessary to a choice.....	40
Mr. Crutcher received .....	49
Mr. Purington received.....	6
Mr. Welch received.....	5
Mr. Patten received.....	5
Mr. Slicer received .....	10
Mr. Elliott received .....	2
Mr. Conroy received.....	1

William T. Crutcher, having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

## ASSISTANT SERGEANT-AT-ARMS.

Mr. Fahey nominated P. H. Kean.  
 Mr. Freidenrich nominated Charles Eagan.  
 Mr. Heald nominated J. P. Frazier.  
 Mr. Meyers nominated J. B. Smith.  
 Mr. Coggins nominated G. B. Dean.  
 Mr. Bowers nominated P. Mountjoy.  
 Mr. Murphy nominated J. M. Inghram.  
 Mr. Cowdery nominated Richard Murray.  
 Mr. Howe nominated N. G. Davis.  
 Mr. Bryan nominated T. Hitchcock.  
 Mr. Knox nominated Frank Phillips.  
 The roll was called, with the following result:

Names.	Kean.....	Eagan.....	Frazier.....	Smith.....	Dean.....	Mountjoy....	Inghram....	Murray.....	Davis.....	Hitchcock...	Phillips ....
Ables.....				1				1			
Aldrich.....											
Amerman.....			1								
Barton.....					1						
Bowers.....						1					
Bradley.....											1
Bryan.....										1	
Burt.....											
Byers.....		1									
Byrnes.....							1				
Canfield.....								1			
Carter.....				1							
Chandler.....					1						
Clark.....							1				
Coggins.....					1						
Cowdery.....								1			
Cressler.....											
Davis.....							1				
Dixon.....					1						
Escandon.....		1									
Fahey.....					1						
Franck.....											1
Freeman.....											1
Freidenrich.....		1									
Ferguson.....				1							
Giffen.....											
Gilmore, of Calav's.....					1						
Gilmore, of El D'do.....										1	
Gray.....							1				
Gurnett.....			1								
Hamull.....								1			
Hammitt.....				1							





Names.	Ingham ...	Frazier.....	Murny ....	Dean.....	Hitchcock...	Phillips .....	Smith.....	Eagan . ....	Montjoy ..	Kean.....
Gilmore, of El Dorado .....					1					
Gray .....	1									
Gurnett.....			1							
Hamill.....			1							
Hammitt.....	1									
Hay .....				1						
Heald.....		1								
Higbie .....	1									
Hill .....	1									
Howe .....			1							
Hurlburt .....	1									
Ingham . ....					1					
Kercheval .....				1						
Klotz .....	1									
Knox .....						1				
Long .....		1								
McBride .....		1								
McCallum .....			1							
Meyers .....							1			
Miller .....						1				
Morgan .....			1							
Murphy .....			1							
Northcutt.....			1							
Northup .....					1					
Norton .....	1									
Parker .....	1									
Patterson .....								1		
Paulsell.....							1			
Peek .....				1						
Pelham.....					1					
Pishon .....	1									
Rea .....	1									
Rogers .....										
Roush.....	1		1							
Russell .....					1					
Simpers.....										
Simpson .....	1									
Snyder .....		1								
Stowers.....	1									
Summers.....		1								
Swift .....									1	
Terrill .....										
Tinnin .....	1									
Thomas.....		1								
Tully .....	1									
Vandall . ....								1		

Names.	Inghram ...	Frazier.....	Murray .....	Dean .....	Hitchcock..	Phillips ....	Smith .....	Eagan .....	Mountjoy ...	Kean.....
Venable .....	1									
Welch .....		1								
Wickware .....	1									
Williams .....					1					
Winchell.....				1						
Wright.....	1									
Mr. Speaker.....										

Whole number of votes cast.....	76
Necessary to a choice.....	39
Mr. Inghram received.....	24
Mr. Frazier received.....	11
Mr. Murray received.....	10
Mr. Dean received.....	10
Mr. Hitchcock received.....	7
Mr. Phillips received.....	4
Mr. Smith received.....	4
Mr. Eagan received.....	4
Mr. Mountjoy received.....	1
Mr. Kean received.....	1

No choice.

By consent, Mr. Knox withdrew the name of Frank Phillips; Mr. Meyers, that of J. B. Smith; and Mr. Bryan, that of F. Hitchcock.

The roll was ordered to be called, with the following result:

Names.	Inghram ...	Murray .....	Dean .....	Eagan .....	Frazier.....	Kean .....	Mountjoy...
Ables .....	1						
Aldrich.....		1					
Amerman .....					1		
Barton .....			1				
Bowers .....	1						
Bradley .....			1				
Bryan.....			1				
Burt.....	1						
Byers .....	1						
Byrnes.....		1					
Canfield.....	1						
Carter .....					1		
Chandler.....			1				



Names.	Inghram .....	Murray, .....	Dean .....	Eagan .....	Travier .....	Kean .....	Mounjoy ...
Clark .....	1						
Coggins .....			1				
Cowdery .....		1					
Cressler .....	1						
Davis .....			1				
Dixon .....		1					
Escandon .....	1						
Fahey .....			1				
Franck .....	1						
Freeman .....						1	
Freidenrich .....				1			
Ferguson .....	1						
Giffen .....	1						
Gilmore, of Calaveras .....			1				
Gilmore, of El Dorado .....	1						
Gray .....	1						
Gurnett .....					1		
Hamill .....		1					
Hammitt .....	1						
Hay .....							1
Heald .....					1		
Higbie .....	1						
Hill .....		1					
Howe .....		1					
Hurlburt .....	1						
Ingham .....	1						
Kercheval .....	1						
Klotz .....	1						
Knox .....	1						
Long .....	1						
McBride .....	1						
McCallum .....		1					
Meyers .....				1			
Miller .....					1		
Morgan .....							1
Murphy .....		1					
Norheutt .....		1					
Northup .....	1	1					
Norton .....	1						
Parker .....	1						
Patterson .....				1			
Paulsell .....	1						
Peek .....						1	
Pelham .....	1						
Pishon .....	1						
Rea .....	1						
Rogers .....	1						
Roush .....	1						

Names.	Inghram .....	Murray.....	Dean .....	Eagan .....	Frazier .....	Kean .....	Mountjoy ..
Russell.....	1						
Simpers .....	1						
Simpson.....	1						
Snyder.....	1						
Stowers.....	1						
Summers.....	1						
Swift.....	1						
Terrill.....	1						
Tinnin.....	1						
Thomas.....		1					
Tully.....	1						
Vandall.....				1			
Venable.....	1						
Welch .....	1						
Wickware.....	1						
Williams.....	1						
Winchell.....	1						
Wright.....	1						
Mr. Speaker.....							

Whole number of votes cast.....	78
Necessary to a choice.....	40
Mr. Inghram received .....	45
Mr. Murray received.....	12
Mr. Dean received.....	8
Mr. Eagan received.....	4
Mr. Frazier received.....	5
Mr. Kean received.....	2
Mr. Mountjoy received.....	2

John M. Inghram, having received the majority of all the votes cast, was declared duly elected Assistant Sergeant-at-Arms.

#### MINUTE CLERK.

Mr. Tully nominated C. Y. Hammond.  
 Mr. Barton nominated T. S. Harris.  
 Mr. Ables nominated J. B. Stevens.

The roll was called, resulting as follows:

Names.	Stevens.	Hammond.	Harris.
Ables .....	1		
Aldrich .....	1		
Amerman .....			1
Barton .....			
Bowers .....			1
Bradley .....		1	
Bryan .....			1
Burt .....	1		
Byers .....	1		
Byrnes .....		1	
Canfield .....	1		
Carter .....			1
Chandler .....		1	
Clark .....	1		
Coggins .....			1
Cowdery .....	1		
Cressler .....	1		
Davis .....	1		
Dixon .....		1	
Escandon .....			1
Fahey .....	1		
Frauck .....		1	
Freeman .....	1		
Freidenrich .....			1
Ferguson .....			1
Gilmore, of Calaveras .....		1	
Gilmore, of El Dorado .....	1		
Gray .....	1		
Giffen .....			1
Gurnett .....			1
Hamill .....	1		
Hammitt .....			1
Hay .....		1	
Heald .....			1
Higbie .....		1	
Hill .....	1		
Howe .....		1	
Hurlburt .....	1		
Ingham .....	1		
Kercheval .....			1
Klotz .....		1	
Knox .....			1
Long .....			1
McBrude .....			1
McCallum .....	1		
Meyers .....			1
Miller .....	1		
Morgan .....			1

Namcs.	Stevens.	Hammond.	Harris.
Murphy.....	1		
Northcutt .....			1
Northup.....			1
Norton.....	1		
Parker.....			1
Patterson .....			1
Paulsell.....			1
Peek.....	1		
Pelham .....	1		
Pishon.....			1
Rea .....		1	
Rogers.....	1		
Roush.....	1		
Russell .....			
Simpers.....	1		
Simpson.....			1
Snyder.....	1		
Stowers.....	1		
Summers.....			1
Swift.....	1		
Terrill.....		1	
Tinnin .....			1
Thomas.....		1	
Tully.....		1	
Vandall.....		1	
Venable .....		1	
Welch.....		1	
Wickware.....			1
Williams.....		1	
Winchell.....	1		
Wright .....	1		
Mr. Speaker .....			

Whole number of votes cast..... 78  
 Necessary to a choice..... 40  
 J. B. Stevens received..... 31  
 T. S. Harris received..... 28  
 C. Y. Hammond received..... 19

No choice.

The roll was called again, as follows:

Names.	Stevens.	Hammond.	Harris.
Ables .....	1		
Aldrich .....	1		
Amerman .....			1
Barton .....			1
Bowers .....	1		
Bradley .....		1	
Bryan .....			1
Burt .....	1		
Byers .....	1		
Byrnes .....		1	
Canfield .....	1		
Carter .....			1
Chandler .....		1	
Clark .....	1		
Coggins .....			1
Cowdery .....			1
Cressler .....	1		
Davis .....			1
Dixon .....		1	
Escandon .....			1
Fahey .....		1	
Franck .....		1	
Freeman .....	1		
Freidenrich .....			1
Ferguson .....			1
Gilmore, of Calaveras .....		1	
Gilmore, of El Dorado .....	1		
Gray .....	1		
Giffen .....			1
Gurnett .....			1
Hamill .....		1	
Hammitt .....			1
Hay .....		1	
Heald .....			1
Higbie .....		1	
Hill .....	1		
Howe .....		1	
Hurlburt .....	1		
Ingham .....	1		
Kercheval .....			1
Klotz .....			1
Knox .....			1
Long .....			1
McBride .....			1
McCallum .....	1		
Meyers .....			1
Miller .....	1		
Morgan .....			1

Names.	Stevens.	Hammond.	Harris.
Murphy.....	1		
Norcutt.....			1
Northup.....			1
Norton.....	1		
Parker.....			1
Patterson.....			1
Paulsell.....			1
Peck.....	1		
Pelham.....			1
Pishon.....			1
Rea.....		1	
Rogers.....			1
Roush.....	1		
Russell.....	1		
Simpers.....	1		
Simpson.....	1		
Snyder.....	1		
Stowers.....	1		
Summers.....	1		
Swift.....	1		
Terrill.....	1		
Tinnin.....		1	
Thomas.....		1	
Tully.....		1	
Vandall.....		1	
Venable.....		1	
Welch.....			1
Wickware.....		1	
Williams.....			1
Winchell..	1		
Wright.....		1	
Mr. Speaker.....			

Whole number of votes cast.....	79
Necessary to a choice.....	40
Mr. Harris received.....	34
Mr. Stevens received.....	27
Mr. Hammond received.....	18

No choice.

The roll was ordered to be called, resulting as follows:

Names.	Stevens.	Hammond.	Harris.
Ables .....	1		
Aldrich .....			1
Amerman .....			1
Barton .....			1
Bowers .....			1
Bradley .....		1	
Bryan .....			1
Burt .....	1		
Byers .....	1		
Byrnes .....		1	
Canfield .....	1		
Carter .....			1
Chandler .....		1	
Clark .....			1
Coggins .....			1
Cowdery .....			1
Cressler .....			1
Davis .....			1
Dixon .....			1
Escandon .....			1
Fabey .....	1		
Franck .....			1
Freeman .....	1		
Freidenrich .....			1
Ferguson .....			1
Gilmore, of Calaveras .....	1		
Gilmore, of El Dorado .....			1
Gray .....			1
Giffen .....			1
Gurnett .....			1
Hamill .....		1	
Hammitt .....			1
Hay .....			1
Heald .....			1
Higbie .....			1
Hill .....	1		
Howe .....			1
Hurlburt .....	1		
Ingham .....	1		
Kercheval .....			1
Klotz .....			1
Knox .....			1
Long .....			1
McBride .....			1
McCallum .....			1
Meyers .....			1

Names.	Stevens.	Hammond.	Harris.
Miller.....	1		
Morgan.....			1
Norheutt.....			1
Northup.....			1
Norton.....	1		
Parker.....			1
Patterson.....			1
Paulsell.....			1
Peek.....			1
Pelham.....	1		
Pishon.....			1
Rea.....			1
Rogers.....			1
Roush.....	1		
Simpers.....	1		
Simpson.....	1		
Snyder.....	1		
Stowers.....			1
Summers.....			1
Swift.....			1
Terrill.....			1
Tinnin.....			1
Thomas.....		1	
Tully.....			1
Vandall.....			1
Venable.....			1
Welch.....		1	
Wickware.....			1
Williams.....	1		
Winchell.....			1
Wright.....			1
Mr. Speaker.....			1

Whole number of votes cast.....	77
Necessary to a choice.....	39
Mr. Harris received.....	53
Mr. Stevens received.....	18
Mr. Hammond received.....	6

T. S. Harris, having received a majority of all the votes cast, was declared duly elected Minute Clerk.

J. A. Brumsey, Assistant Clerk; J. M. Inghram, Assistant Sergeant-at-Arms, and T. S. Harris, Minute Clerk, elect, appeared, and were sworn into office by the Speaker.

#### JOURNAL CLERK.

Mr. Davis nominated John A. Towne.  
Mr. Coggins nominated N. Torres.



Mr. Venable nominated A. F. Janson.

Mr. Gilmore, of El Dorado, nominated B. F. Jeffries.

Mr. Bryan nominated A. J. Hoagland.

Mr. Aldrich nominated Julius H. Mott.

The roll was called, with the following result:

Names.	Hoagland .....	Towne .....	Torres .....	Janson .....	Jeffries.....	Mott .....
Ables.....			1			
Aldrich .....						1
Amerman.....						1
Barton .....					1	
Bowers .....					1	
Bradley .....					1	
Bryan .....						1
Burt .....			1			
Byers.....					1	
Byrnes.....	1					
Canfield .....					1	
Carter .....						1
Chandler .....						1
Clark .....						1
Coggins .....						1
Cowdery .....					1	
Cressler.....			1			
Davis .....					1	
Dixon .....			1			
Escandon .....				1		
Fahey .....		1				
Franck .....						1
Freeman.....	1					
Freidenrich .....						1
Ferguson .....					1	
Gilmore, of Calaveras.....		1				
Gilmore, of El Dorado.....					1	
Gray .....						1
Giffen .....		1				
Gurnett.....						1
Hamill .....			1			
Hammitt.....	1					
Hay .....					1	
Heald .....						
Higbie .....					1	
Hill .....		1				
Howe .....		1				
Hurlburt.....			1			
Ingham .....					1	

Names.	Hogland .....	Towne .....	Torres .....	Janson .....	Jeffries .....	Mott .....
Kercheval.....	.....	.....	.....	.....	1	.....
Klotz .....	.....	.....	.....	.....	1	.....
Knox .....	.....	.....	.....	.....	1	.....
Long .....	.....	.....	.....	.....	.....	1
McBride .....	.....	.....	.....	.....	1	.....
McCallum .....	.....	.....	.....	1	.....	.....
Meyers .....	.....	.....	.....	.....	1	.....
Miller.....	1	.....	.....	.....	.....	.....
Morgan .....	.....	.....	.....	.....	1	.....
Murphy .....	.....	.....	.....	.....	1	.....
Northcutt .....	.....	.....	.....	.....	1	.....
Northup .....	.....	.....	.....	.....	.....	1
Norton.....	.....	.....	.....	.....	1	.....
Parker.....	.....	1	.....	.....	.....	.....
Patterson.....	.....	.....	.....	1	.....	.....
Paulsell.....	.....	1	.....	.....	.....	.....
Peek .....	.....	1	.....	.....	.....	.....
Pelham.....	.....	.....	1	.....	.....	.....
Pishon .....	.....	.....	.....	.....	1	.....
Rea.....	.....	.....	.....	.....	.....	1
Rogers.....	.....	.....	.....	.....	.....	1
Roush .....	.....	.....	.....	.....	1	.....
Russell .....	.....	.....	.....	.....	1	.....
Simpers.....	.....	.....	.....	.....	1	.....
Simpson.....	.....	.....	.....	.....	1	.....
Snyder.....	.....	.....	.....	.....	.....	1
Stowers.....	.....	.....	.....	.....	.....	1
Summers .....	.....	1	.....	.....	.....	.....
Swift.....	.....	.....	.....	.....	.....	1
Terrill.....	.....	.....	.....	.....	1	.....
Tinnin .....	.....	.....	.....	.....	1	.....
Thomas.....	.....	.....	.....	.....	1	.....
Tully .....	.....	.....	.....	.....	.....	1
Vandall.....	.....	.....	.....	1	.....	.....
Venable.....	.....	.....	.....	.....	.....	1
Welch.....	.....	.....	.....	.....	.....	1
Wickware .....	.....	.....	.....	.....	1	.....
Williams.....	.....	.....	.....	.....	1	.....
Winchell.....	.....	.....	.....	.....	1	.....
Wright.....	.....	.....	.....	.....	1	.....
Mr. Speaker.....	.....	.....	.....	.....	.....	.....

Whole number of votes cast..... 72  
 Necessary to a choice..... 37  
 Jeffries received..... 32

Mott received.....	21
Torres received.....	7
Towne received.....	7
Hoagland received.....	4
Janson received.....	1

No choice.

The roll was called again, resulting as follows:

Names.	Jeffries.	Mott.	Torres.	Janson.	Hoagland.
Ables .....	1				
Aldrich.....		1			
Amerman .....		1			
Barton .....	1				
Bowers .....	1				
Bradley .....		1			
Bryan.....	1				
Burt .....	1				
Byers .....		1			
Byrnes. ....	1				
Canfield .....		1			
Carter .....		1			
Chandler .....		1			
Clark.....	1				
Coggins .....		1			
Cowdery.....	1				
Cressler.....	1				
Davis.....			1		
Dixon.....	1				
Escandon .....				1	
Fahey .....			1		
Franck.....	1				
Freeman.....					1
Freidenrich .....		1			
Ferguson .....	1				
Gilmore, of Calaveras .....			1		
Gilmore, of El Dorado ...	1				
Gray.....		1			
Giffen .....			1		
Gurnett.....		1			
Hamill .....	1				
Hammitt.....	1				
Hay .....	1				
Heald.....	1				
Higbie.....	1				
Hill.....			1		
Howe .....	1				
Hurlburt .....	1				
Ingham .....	1				
Kercheval .....	1				
Klotz.....	1				

Names.	Jeffries.	Mott.	Torres.	Janson.	Hoagland.
Knox.....	1				
Long.....		1			
McBride.....	1				
McCallum.....	1				
Meyers.....	1				
Miller.....		1			
Morgan.....	1				
Murphy.....	1				
Northcutt.....	1				
Northup.....	1				
Norton.....				1	
Parker.....				1	
Patterson.....					
Paulsell.....	1				
Peek.....		1			
Pelham.....			1		
Pishon.....	1				
Rea.....	1				
Rogers.....		1			
Roush.....	1				
Russell.....	1				
Simpers.....	1				
Simpson.....	1				
Snyder.....	1				
Stowers.....	1				
Summers.....	1				
Swift.....		1			
Terrill.....	1				
Tinnin.....	1				
Thomas.....	1				
Tully.....		1			
Vandall.....				1	
Venable.....					
Welch.....	1				
Wickware.....					
Williams.....		1			
Winchell.....	1				
Wright.....	1				
Mr. Speaker.....	1				

Whole number of votes cast .....	76
Necessary to a choice.....	39
Mr. Jeffries received.....	48
Mr. Mott received.....	18
Mr. Torres received.....	6
Mr. Janson received.....	4

Mr. Jeffries, having received a majority of all the votes cast, was declared duly elected Journal Clerk.

## COPYING CLERKS.

Mr. Northcutt nominated Walter Ferral.  
 Mr. Heald nominated Mrs. J. P. Biggers.  
 Mr. Summers nominated William S. Cooper.  
 Mr. Freeman nominated Charles A. Waring.  
 Mr. Vandall nominated Mrs. S. D. Wilcox.  
 Mr. Tinnin nominated D. E. Jones.  
 Mr. Coggins nominated Ezra Woolson.  
 Mr. Burt nominated J. F. Griffin.

The roll was called, as follows:

Names.	Ferral .....	Mrs. Biggers.	Cooper.....	Waring.....	Mrs. Wilcox	Jones.....	Woolson.....	Griffin .....
Ables .....	1	1						
Aldrich .....	1	1						
Amerman .....		1		1				
Barton .....	1	1						
Bowers .....		1			1			
Bradley .....		1		1				
Bryan .....					1	1		
Burt.....	1							1
Byers .....		1			1			
Byrnes .....	1	1						
Canfield .....		1		1				
Carter .....		1		1				
Chandler.....		1		1				
Clark .....	1		1					
Coggins .....						1	1	
Cowdery .....	1	1						
Cressler .....		1	1					
Davis .....	1		1					
Dixon .....	1	1						
Escandon.....	1		1					
Fahey .....	1		1					
Franck .....	1	1						
Freeman .....		1		1				
Freidenrich .....	1	1						
Ferguson .....	1		1					
Gilmore, of Calaveras.....		1		1				
Gilmore, of El Dorado.....	1	1						
Gray .....		1		1				
Giffen .....	1		1					
Gurnett .....	1		1					
Hamill.....	1	1						
Hammitt .....			1	1				
Hay .....	1	1						
Heald .....	1	1						

Names.	Fernal .....	Mrs. Biggers.	Cooper. ....	Walling. ....	Mrs. Wilcox	Jones. ....	Woolson. ...	Griffin. ....
Higbie .....	1	1						
Hill .....	1	1						
Howe. ....			1	1				
Hurlburt .....	1	1						
Ingham .....		1	1					
Kercheval .....				1	1			
Klotz .....		1						
Knox .....				1				
Long .....		1		1				
McBride .....			1	1				
McCallum .....	1			1				
Meyers .....		1			1			
Miller .....		1		1				
Morgan .....		1			1			
Murphy .....	1	1						
Northcutt. ....	1	1						
Northrup .....	1		1					
Norton .....	1							1
Parker .....	1		1					
Patterson .....		1			1			
Paulsell .....	1	1						
Peek .....		1		1				
Pelham .....	1	1						
Pishon .....	1							
Rea .....	1	1						
Rogers .....	1	1						
Roush .....	1							1
Russell. ....	1	1						
Simpers .....	1							
Simpson .....		1		1				
Snyder .....	1			1				
Stowers .....	1		1					
Summers .....		1		1				
Swift .....	1			1				
Terrill .....	1		1					
Tinnin .....		1			1			
Thomas .....	1	1						
Tully .....				1	1			
Vandall .....	1	1						
Venable .....	1	1						
Welch .....	1	1						
Wickware .....	1	1						
Williams .....		1		1				
Winchell .....	1	1						
Wright .....	1	1						
Mr. Speaker .....								

Whole number of votes cast.....	78
Votes necessary to a choice.....	40
Mrs. J. P. Biggers received.....	53
Mrs. S. D. Wilcox received.....	9
Walter Ferral received. ....	48
William S. Cooper received.....	15
Charles A. Waring received .....	23
D. E. Jones received.....	2
Ezra Woolson received....	1
J. F. Griffin received .....	3
Mr. Giltner received.....	2

Mrs. J. P. Biggers and Walter Ferral, having each received a majority of all the votes cast, were declared duly elected Copying Clerks.

Mrs. J. P. Biggers and Walter Ferral, Copying Clerks elect, and B. F. Jeffries, Journal Clerk elect, appeared, and the Speaker administered to them the oath of office.

#### ENROLLING CLERK.

Mr. Coggins nominated W. J. Beatty.  
 Mr. Howe nominated Richard Brown.  
 Mr. Dixon nominated Tod Robinson.  
 Mr. Hay nominated John R. Eardley.

The roll was called, with the following result:

Names.	Beatty.	Brown.	Robinson.	Eardley.
Ables .....				1
Aldrich .....			1	
Amerman .....			1	
Barton .....		1		
Bowers .....			1	
Bradley .....				1
Bryan.....		1		
Burt.....				1
Byers .....			1	
Byrnes.....		1		
Canfield .....			1	
Carter.....		1		
Chandler.....		1		
Clark .....		1		
Coggins.....	1			
Cowdery.....				1
Cressler .....		1		
Davis .....			1	
Dixon.....			1	
Escandon.....		1		

Names.	Beatty.	Brown.	Robinson.	Eardley.
Fahey.....			1	
Franck .....				1
Freeman . . . . .		1		
Freidenrich .....				1
Ferguson .....			1	
Gilmore, of Calaveras.....		1		
Gilmore, of El Dorado.. ..			1	
Gray ....				1
Giffen.....				1
Gurnett.....				1
Hamill .....		1		
Hammitt .....				1
Hay .....				1
Heald .....		1		
Higbie .....			1	
Hill.....		1		
Howe .....		1		
Hurlburt .....		1		
Ingham.....			1	
Kerebeval .....				1
Klotz....		1		
Knox .....		1		
Long .....			1	
McBride.....			1	
McCallum .....			1	
Meyers.....			1	
Miller .....		1		
Morgan.....		1		
Murphy .....		1		
Northcutt .....			1	
Northup .....		1		
Norton .....			1	
Parker .....			1	
Patterson .....			1	
Paulsell .....			1	
Peek.....			1	
Pelham .....			1	
Pishon.....		1		
Rea .....				1
Rogers .....		1		
Roush .....			1	
Russell.....			1	
Simpers .....		1		
Simpson.....			1	
Snyder .....			1	
Stowers .....		1		
Summers .....			1	
Swift .....				1
Terrill.....		1		
Tinnin.....				1



Names.	Beatty.	Brown.	Robinson.	Eardley.
Thomas .....		1		
Tully.....				1
Vandall.....			1	
Venable .....			1	
Welch.....				1
Wickware .....				1
Williams .....			1	
Winchell.....		1		
Wright.....				1
Mr. Speaker.....				

Whole number of votes cast..... 78  
 Necessary to a choice..... 40  
 Robinson received ..... 31  
 Brown received..... 29  
 Eardley received .. 17  
 Beatty received..... 1

No choice.

The roll was called again, with the following result:

Names.	Robinson.	Brown.	Eardley.
Ables .....			1
Aldrich .....	1		
Amerman ..	1		
Barton.....		1	
Bowers ....	1		
Bradley.....			1
Bryan.....		1	
Burt.....			1
Byers .....			1
Byrnes.....		1	
Canfield.....	1		
Carter.....		1	
Chandler...		1	
Clark .....		1	
Coggins .....			1
Cowdery .....			1
Cressler .....		1	
Davis .....	1		
Dixon .....	1		
Escandon.....		1	
Fahey.....			1
Franck .....	1		
Freeman .....			1
Freidenrich .....	1		

Names.	Robinson.	Brown.	Eardley.
Ferguson .....			
Gilmore, of Calaveras.....	1		
Gilmore, of El Dorado .....			
Gray.....			1
Giffen.....			1
Gurnett.....		1	
Hamill.....			
Hammitt.....			1
Hay .....			1
Heald.....		1	
Higbie .....	1		
Hill.....		1	
Howe .....		1	
Hurlburt.....	1		
Ingham .....			
Kercheval.....	1	1	
Klotz .....		1	
Knox .....	1		
Long .....			
McBride.....	1		
McCallum.....	1		
Meyers.....	1		
Miller .....		1	
Morgan .....		1	
Murphy .....		1	
Northcutt .....		1	
Northup .....	1		
Norton .....	1		
Parker .....	1		
Patterson .....	1		
Paulsell.....			
Peek .....	1		
Pelham .....	1		
Pishon.....		1	
Rea .....			1
Rogers ....		1	
Roush.....	1		
Russell .....			
Simpers .....	1	1	
Simpson .....	1		
Snyder.....			
Stowers .....	1		
Summers.....	1		
Swift .....	1		
Terrill .....			1
Tinnin .....		1	
Thomas.....		1	
Tully .....	1		
Vandall.....	1		
Venable .....	1		

Names.	Robinson.	Brown.	Eardley.
Welch .....	1		
Wickware.....		1	
Williams .....	1		
Winchell.....	1		
Wright.....	1		
Mr. Speaker.....	1		

Whole number of votes cast.....77

Necessary to a choice.....39

Mr. Robinson received.....36

Mr. Brown received.....26

Mr. Eardley received.....15

No choice.

Mr. Hay, by consent, withdrew the name of John R. Eardley.

The roll was again called, with the following result:

Names,	Robinson.	Brown.
Ables. ....		1
Aldrich .....	1	
Amerman .....	1	
Barton .....		1
Bowers.....	1	
Bradley .....	1	
Bryan.....		1
Burt .....	1	
Byers .....		1
Byrnes.....	1	
Canfield .....		1
Carter .....		1
Chandler.....		1
Clark .....		1
Coggins .....	1	
Cowdery.....		1
Cressler .....		1
Davis .....	1	
Dixon .....	1	
Escandon .....		1
Fahy.....		1
Freeman .....	1	
Freidenrich .....		1
Ferguson .....	1	
Gilmore, of Calaveras .....		1
Gilmore, of El Dorado.....	1	
Gray .....		1
Giffen.....		1

Names.	Robinson.	Brown.
Gurnett .....		1
Hamill.....		1
Hammitt.....	1	
Hay .....		1
Heald .....	1	
Higbie .....		1
Hill .....		1
Howe.....		1
Hurlburt.....		1
Ingham .....	1	
Kercheval.....	1	
Klotz .....		1
Knox .....		1
Long.....	1	
McBride .....	1	
McCallum .....	1	
Meyers .....	1	
Miller.....		1
Morgan.....		1
Murphy.....		1
Northcutt .....		1
Northup.....	1	
Norton .....	1	
Parker .....	1	
Paulsell .....	1	
Peek .....	1	
Pelham.....	1	
Pishon.....		1
Rea .....		1
Rogers .....		1
Roush.....	1	
Russell .....	1	
Simpers .....		1
Simpson .....	1	
Snyder .....	1	
Stowers.....		1
Summers .....	1	
Swift.....		1
Terrill .....	1	
Tinnin .....		1
Thomas .....	1	
Tully .....	1	
Vandall.....	1	
Venable .....	1	
Welch .....		1
Wickware.....		1
Williams.....	1	
Winchell .....	1	
Wright .....	1	
Mr. Speaker.....	1	

Whole number of votes cast.....	78
Necessary to a choice.....	40
Mr. Robinson received.....	40
Mr. Brown received.....	38

Tod Robinson, having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

#### ENGROSSING CLERK.

Mr. Kercheval nominated Cameron H. King.  
Mr. Hurlburt nominated P. H. McGowan.  
Mr. Howe nominated John P. Bell.

The roll was called, resulting as follows:

Names.	King.	McGowan.	Bell.
Ables .....		1	
Aldrich .....	1		
Amerman .....			
Barton .....	1		
Bowers .....		1	
Bradley .....	1		
Bryan .....	1		
Burt .....		1	
Byers .....	1		
Byrnes .....		1	
Canfield .....	1		
Carter .....	1		
Chandler .....		1	
Clark .....	1		
Coggins .....	1		
Cowdery .....		1	
Cressler .....	1		
Davis .....	1		
Dixon .....	1		
Escandon .....			1
Fahy .....		1	
Franck .....		1	
Freeman .....		1	
Freidenrich .....		1	
Ferguson .....	1		
Gilmore, of Calaveras .....			
Gilmore, of El Dorado .....	1		
Gray .....		1	
Giffen .....	1		
Gurnett .....	1		
Hamill .....		1	
Hammit .....	1		
Hay .....		1	
Heald .....		1	

Names.	King.	McGowan.	Bell.
Higbie .....		1	
Hill .....		1	
Howe .....			1
Hurlburt .....		1	
Ingham .....	1		
Kercheval .....	1		
Klotz .....	1		
Knox .....		1	
Long .....	1		
McBride .....	1		
McCallum .....	1		
Meyers .....	1		
Miller .....		1	
Morgan .....	1		
Murphy .....		1	
Northcutt .....	1		
Northup .....			1
Norton .....	1		
Parker .....	1		
Patterson .....		1	
Paulsell .....	1		
Peek .....	1		
Pelham .....	1		
Pishon .....		1	
Rea .....		1	
Rogers .....		1	
Roush .....	1		
Russell .....			
Simpers .....	1		
Simpson .....	1		
Snyder .....	1		
Stowers .....	1		
Summers .....	1		
Swift .....		1	
Terrill .....		1	
Tinnin .....	1		
Thomas .....			1
Tully .....			1
Vandall .....		1	
Venable .....		1	
Welch .....	1		
Wickware .....		1	
Williams .....	1		
Winchell .....		1	
Wright .....	1		
Mr. Speaker .....			

Whole number of votes cast.....	76
Necessary to a choice.....	39
Cameron H. King received.....	41
P. H. McGowan received.....	30
John P. Bell received.....	5

Cameron H. King, having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

At fourteen minutes to three o'clock P. M., on motion of Mr. Tinnin, the House adjourned.

M. M. ESTEE,  
Speaker.

D. F. LOUFBOURROW, Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, December 4th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Mr. Williams was granted leave of absence for one day.

Journal of yesterday read.

After the reading of the Journal, Mr. Winchell arose to a question of privilege, asking how his vote stood recorded for the position of Enrolling Clerk. Upon ascertaining that his vote stood recorded for Mr. Robinson, he stated that his vote should appear recorded for Mr. Brown, he having so voted.

On motion of Mr. Cowdery, the Journal of yesterday was corrected, changing the vote of Mr. Winchell from Robinson to Brown, for the position of Enrolling Clerk.

Mr. Thomas arose to a question of privilege, in regard to his vote for Enrolling Clerk. He stated that his vote should stand recorded for Brown, he having so voted.

The correction was made.

Mr. Gilmore, of Calaveras, stated that the Journal should show his vote recorded for Robinson, he having so voted.

The correction was made.

The Journal, as corrected, was approved.

Mr. McCallum moved that, as there was a tie vote for Enrolling Clerk, the House proceed to take another ballot for that position.

Mr. Ferguson moved to amend by postponing the election of Enrolling Clerk until to-morrow, at two o'clock P. M.

The amendment was adopted, on a division.

## CONTESTED ELECTION.

The Speaker presented papers in the matter of the contested election of John Hamill, Robert Howe, and W. A. Aldrich, members of the Assembly of the State of California.

## ELECTION OF OFFICERS CONTINUED.

For Porters of the House—

Mr. Rogers nominated J. S. Wilkins for Rear Porter.

Mr. Coggins nominated J. Shaw.

Mr. Higbie nominated W. H. Copper.

Mr. Miller nominated John Powers.

Mr. Tinnin nominated B. F. Alexander.

Mr. Welch nominated James Maloney.

Mr. Franck nominated Charles Welty.

Mr. Kercheval nominated Rufus Reed.

Mr. Bradley nominated J. Nicholson.

Mr. Barton nominated Hampton Whitaker and J. S. Barnes.

Mr. Bowers nominated Daniel Blue.

Mr. Bryan nominated J. C. Hammond.

Mr. Swift nominated John Abeel.

Mr. Freeman nominated A. Johnson.

On motion of Mr. Tinnin, the House proceeded to the election of Rear Porter.

The roll was called, with the following result:

Names.	Wilkins.	Maloney.	Whitaker.	Blue.	Johnson.
Ables .....	1				
Aldrich .....				1	
Amerman .....	1				
Barton .....			1		
Bowers .....				1	
Bradley .....					1
Bryan .....			1		
Burt .....	1				
Byers .....	1				
Byrnes .....	1				
Canfield .....					
Carter .....					1
Chandler .....				1	
Clark .....	1				
Coggins .....			1		
Cowdery .....	1				
Cressler .....	1				
Davis .....	1				
Dixon .....	1				
Escandon .....	1				
Fahey .....	1				
Franck .....	1				



Names.	Wilkins.	Maloney.	Whitaker.	Blue.	Johnson.
Freeman.....					1
Freidenrich .....	1				
Ferguson.....	1				
Giffen .....	1				
Gilmore, of Calaveras....	1				
Gilmore, of El Dorado...	1				
Gray .....	1				
Gurnett .....	1				
Hamill .....	1				
Hammitt.....	1				
Hay.....		1			
Heald.....	1				
Higbie .....	1				
Hill .....	1				
Howe.....	1				
Hurlburt .....	1				
Ingham.....	1				
Kercheval.....			1		
Klotz.....				1	
Knox.....					1
Long .....	1				
McBride.....				1	
McCallum .....	1				
Meyers .....	1				
Miller.....	1				
Morgan.....	1				
Murphy .....	1				
Northeutt.....	1				
Northup .....	1				
Norton.....	1				
Parker .....	1				
Patterson.....	1				
Paulsell .....				1	
Peek.....	1				
Pelham.....	1				
Pishon.....			1		
Rea.....	1				
Rogers .....	1				
Roush .....	1				
Russell.....					
Simpers .....	1				
Simpson.....	1				
Snyder. ....	1				
Stowers.....	1				
Summers .....					
Swift.....					
Terrill.....	1				
Tinnin.....	1				
Thomas .....	1				
Tully.....	1				



Names.	Shaw .....	Copper .....	Towers ..	Alexander .....	Maloney .....	Welly ..	Reed .....	Nicholson .....	Barnes .....	Hammond .....	Addison .....	Turner .....
Franck .....						1		1				
Freeman .....			1			1		1				
Freidenrich .....	1				1	1						
Ferguson .....						1				1	1	
Gilmore, of Calaveras .....					1			1			1	
Gilmore, of El Dorado .....						1				1	1	
Gray .....							1	1		1		
Giffen .....				1				1		1		
Gurnett .....			1			1		1				
Hamill .....	1				1	1						
Hammitt .....		1				1	1					
Hav .....	1	1				1						
Heald .....	1		1			1						
Higbie .....		1				1	1					
Hill .....					1	1						
Howe .....		1			1					1		
Hurlburt .....		1	1							1		
Ingham .....	1					1				1		
Kercheval .....	1					1	1					
Klotz .....	1			1								
Knox .....			1			1		1				
Long .....							1	1				
McBride .....			1			1				1		
McCallum .....		1				1						
Meyers .....								1			1	1
Miller .....			1					1		1		
Morgan .....	1					1		1				
Murphy .....					1	1				1		
Northcutt .....	1			1		1						
Northup .....				1	1							1
Norton .....		1				1		1				
Parker .....		1				1		1				
Patterson .....	1					1		1				
Paulsell .....						1		1			1	
Peck .....	1		1								1	
Pelham .....				1			1			1		
Pishon .....	1					1		1				
Rea .....		1				1		1				
Rogers .....		1			1	1						
Roush .....		1				1		1				
Russell .....												
Simpers .....	1					1				1		
Simpson .....					1	1	1					
Snyder .....			1					1		1		
Stowers .....			1				1				1	
Summers .....							1				1	
Switt .....	1					1						
Terrill .....		1				1		1				
Tinnin .....				1		1				1		
Thomas .....		1				1		1				
Tully .....		1				1		1				
Vandall .....		1				1	1					
Venable .....		1				1	1					
Welch .....	1					1		1				
Wickware .....	1	1				1						
Williams .....												
Winchell .....			1			1		1				
Wright .....		1				1		1				
Mr. Speaker .....			1		1							



Names.	Shaw .....	Copper .....	Powers .....	Alexander .....	Maloney .....	Reed .....	Nicholson .....	Diamond .....	Addison .....
Giffen .....						1		1	
Gilmore, of Calaveras .....			1				1		
Gilmore, of El Dorado .....	1							1	
Gray .....							1	1	
Gurnett .....			1				1		
Hamill .....	1				1				
Hammitt .....		1				1			
Hay .....		1					1		
Heald .....			1					1	
Higbie .....		1					1		
Hill .....					1	1			
Howe .....		1						1	
Hurlburt .....			1					1	
Ingham .....	1							1	
Kercheval .....		1				1			
Klotz .....				1				1	
Knox .....			1				1		
Long .....			1				1		
McBride .....									
McCallum .....	1	1							
Meyers .....							1		1
Miller .....			1					1	
Morgan .....			1				1		
Murphy .....					1			1	
Northeast .....				1	1				
Northrup .....				1	1				
Norton .....		1					1		
Parker .....		1					1		
Patterson .....	1						1		
Paulsell .....									
Peek .....							1		1
Pelham .....	1							1	
Pishon .....	1						1		
Rea .....		1					1		
Rogers .....		1			1				
Roush .....		1					1		
Russell .....								1	
Simpers .....	1								
Simpson .....					1			1	
Snyder .....							1	1	
Stowers .....			1						1
Summers .....						1			1
Swift .....	1						1		
Terrill .....		1					1		
Tinnin .....				1				1	
Thomas .....		1					1		

Names.	Shaw.....	Copper .....	Powers.....	Alexander .....	Maloney.....	Reed .....	Nicholson .....	Hammond.....	Addison .....
Tully .....		1					1		
Vandall .....		1				1			
Venable .....		1					1		
Welch .....	1				1				
Wickware .....		1					1		
Williams .....									
Winchell.....			1				1		
Wright.....		1			1				
Mr. Speaker.....									

No choice.

The roll was again called, with the following result:

Names.	Shaw.....	Copper .....	Powers .....	Alexander ..	Maloney ....	Reed .....	Nicholson .	Hammond.	Addison .....
Ables .....		1					1		
Aldrich.....	1	1							
Amerman .....		1					1		
Barton.....	1							1	
Bowers.....		1					1		
Bradley.....							1		1
Bryan .....	1	1							
Burt .....	1						1		
Byers.....		1					1		
Byrnes.....									
Canfield.....		1					1		
Carter.....		1					1		
Chandler.....		1						1	
Clark .....							1	1	
Coggins.....	1	1							
Cowdery .....		1	1						
Cressler.....		1					1		
Davis .....			1						1
Dixon .....		1					1		
Escandon.....		1					1		
Fahey .....			1						1
Franck .....		1					1		
Freeman .....			1				1		
Freidenrich .....	1	1							

Names.	Shaw, .....	Copper ....	Powers .....	Alexander..	Maloney ....	Reed .....	Nicholson ..	Hammond..	Addison.....
Ferguson .....				1		1			
Giffen .....		1						1	
Gilmore, of Calaveras .....			1				1		
Gilmore, of El Dorado.....		1						1	
Gray .....		1					1		
Gurnett .....			1				1		
Hamill .....	1				1				
Hammitt .....		1					1		
Hay .....		1					1		
Heald .....		1					1		
Higbie .....		1					1		
Hill .....		1					1		
Howe.....		1		1					
Hurlburt.....			1					1	
Ingham .....		1						1	
Kercheval.....		1				1			
Klotz .....		1						1	
Knox .....			1				1		
Long.....			1				1		
McBride .....		1					1		
McCallum .....		1					1		
Meyers .....							1		1
Miller .....			1					1	
Morgan .....			1				1		
Murphy.....		1					1		
Northeast.....					1		1		
Northup .....		1					1		
Norton .....		1					1		
Parker. ....		1					1		
Patterson .....							1		1
Paulsell .....									
Peek .....			1				1		
Pelham .....							1	1	
Pishon.....					1		1		
Rea .....		1					1		
Rogers.....		1					1		
Roush.....		1					1		
Russell .....									
Simpers .....	1	1							
Simpson .....		1					1		
Snyder .....							1	1	
Stowers .....			1						1
Summers.....			1				1		
Swift.....	1						1		
Terrill .....		1					1		

Names.	Shaw.....	Copper.....	Powers.....	Alexander.....	Maloney.....	Reed.....	Nicholson.....	Hammond.....	Addison.....
Tinnin.....				1		1			
Thomas.....		1					1		
Tully.....		1					1		
Vandall.....		1					1		
Venable.....		1					1		
Welch.....					1		1		
Wickware.....		1					1		
Williams.....									
Winchell.....			1				1		
Wright.....		1					1		
Mr. Speaker.....			1				1		

Whole number of votes cast.....	77
Necessary to a choice.....	39
Mr. Copper received.....	46
Mr. Nicholson received.....	53
Mr. Shaw received.....	9
Mr. Powers received.....	16
Mr. Alexander received.....	3
Mr. Maloney received.....	4
Mr. Reed received.....	3
Mr. Hammond received.....	11
Mr. Addison received.....	6

Mr. Copper and Mr. Nicholson, having each received a majority of all the votes cast, were declared elected Porters of the House.

#### FOR PAGES.

Mr. Clark nominated M. J. Green.  
 Mr. Tinnin nominated H. M. Edwards.  
 Mr. Tully nominated Robert Craig.  
 Mr. Siphers nominated James Donahue.  
 Mr. Bowers nominated A. E. Roberts and J. W. Gale.  
 Mr. Barton nominated Charles Currey.  
 Mr. Ables nominated A. R. Torres.  
 Mr. Freidenrich nominated S. Alexander.  
 Mr. Stowers nominated Willie Dunlevy.  
 Mr. Patterson nominated R. E. Harrow.  
 Mr. Pelham nominated Willie Todd.  
 Mr. Dixon nominated B. Taliaferro.  
 Mr. Gilmore nominated C. T. Stanley.  
 Mr. Higbie nominated S. E. May.  
 Mr. Howe nominated V. E. Glynn.  
 Mr. Kercheval nominated H. C. Hollut.  
 Mr. Murphy nominated J. O'Neil.



Mr. Swift nominated William Cloud.

Mr. Cowdery nominated George Roberts.

Mr. Hamill nominated Thomas J. Donnelly.

Mr. Coggins nominated John Palm, John Ricks, Aaron Shaw, and R. Wolf.

Mr. Snyder nominated F. Schlageter.

Mr. Bowers nominated A. E. Roberts.

At twelve o'clock and twenty-three minutes P. M., on motion of Mr. Coggins, the House took a recess for thirty minutes.

#### REASSEMBLED.

The House reassembled at twelve o'clock and fifty minutes P. M.

The Speaker in the chair.

Roll called, and quorum present.

#### ELECTION OF PAGES.

The roll was called, with the following result:

Names.	Alexander ...	Cloud.....	Craig . ....	Curry . ....	Donahue ....	Danley....	Edwards ....	Gale.....	Green.....	Glynn .....	Hollub.....	May.....	O'Neil .....	A. E. Roberts.	Stanley . ....	Schlageter....	Taliaferro . . .	Todd .....	Torres .....
Ables.....	1								1				1						1
Aldrich .....	1	1					1							1					
Amcrman.....								1							1			1	
Barton .....				1			1	1				1							
Bowers .....						1		1						1	1				
Bradley .....	1		1						1			1							
Bryan.....						1					1		1						1
Burt.....					1		1		1								1		
Byers .....			1		1				1				1						
Byrnes .....			1								1			1					
Canfield .....	1		1					1	1		1								
Carter .....								1					1	1				1	
Chandler .....	1			1					1									1	
Clark.....			1				1		1									1	
Coggins .....			1	1		1												1	
Cowdery.....		1			1					1									
Cressler.....						1								1				1	1
Davis.....	1						1						1				1		
Dixon .....					1			1									1	1	1
Escandon .....								1						1				1	
Fahey .....					1	1									1		1		
Franck .....			1		1								1						1
Freeman .....		1	1	1															
Freidenrich.....	1										1			1	1				

Ferguson .....				1		1							1			1		
Gilmore, of Calaveras...						1							1	1				
Gilmore, of El Dorado...			1		1	1	1											
Gray .....	1						1	1										
Giffen .....				1	1												1	1
Gurnett .....				1	1								1			1		
Hamill .....	1	1			1								1					
Hammitt .....	1			1		1	1											
Hay .....		1	1					1									1	
Hcald .....						1	1	1	1									
Higbie .....			1				1	1		1								
Hill .....	1				1	1				1								
Howe .....								1	1	1				1				
Hurlburt .....	1					1		1										1
Ingham .....					1	1	1						1					
Korcheval .....	1					1				1							1	
Klotz .....						1				1			1			1		
Knox .....	1						1		1									
Long .....	1					1	1								1			
McBride .....	1				1	1	1											
McCallum .....	1		1					1						1				
Meyers .....	1		1														1	
Miller .....	1					1				1					1			
Morgan .....	1													1	1		1	
Murphy .....		1				1	1						1					
Northcutt .....		1				1											1	1
Northup .....	1												1				1	1
Norton .....			1			1		1										
Parker .....	1					1		1									1	
Patterson .....														1				1
Paulsell .....			1					1					1					1
Peek .....		1						1						1			1	
Pelham .....	1						1										1	1



For Master Harrow—Mr. Patterson—1.

For Master Palm—Messrs. Byrnes, Dixon, and Meyers—3.

For Master Geo. Roberts—Messrs. Cowdery and Gray—2.

No choice.

The roll was called for a second ballot for Pages, with the following result:



Freidenrich.....	1													1		1		1	
Ferguson.....					1			1		1			1						
Gilmore, of Calaveras...								1		1				1		1			
Gilmore, of El Dorado..			1		1			1	1										
Gray.....	1	1	1						1										
Giffen.....					1		1										1	1	
Gurnett.....					1		1	1								1			
Hamill.....	1				1							1					1		
Hammitt.....	1						1	1									1		
Hay.....		1	1				1										1		
Heald.....					1		1		1	1									
Higbie.....	1		1						1			1							
Hill.....	1						1				1		1					1	
Howe.....									1	1		1		1					
Hurtburt.....	1						1		1			1							
Ingham.....			1		1				1			1							
Kercheval.....							1	1				1	1	1					
Klotz.....					1	1				1		1	1						
Knox.....	1						1			1		1							
Long.....	1						1			1						1			
McBride.....	1				1		1					1							
McCallum.....	1		1				1							1					
Meyers.....	1															1	1	1	
Miller.....	1						1							1		1			
Morgan.....	1													1		1	1		
Murphy.....					1					1	1						1		
Northcutt.....		1			1							1					1		
Northup.....		1							1					1				1	
Norton.....			1		1				1	1									
Parker.....	1						1		1								1		
Patterson.....	1										1			1					
Paulsell.....			1									1					1	1	
Peek.....	1													1		1	1		

Names.																			
	Torres .....	Todd .....	Taliaferro ...	Stanley .....	Shaw .....	A. E. Roberts	Palm .....	O'Neil .....	Hollub .....	Green .....	Gale.....	Edwards .....	Dunlevy .....	Donnelly .....	Donahue .....	Curry .....	Craig .....	Cloud .....	Alexander ....
Pelham .....	1	1				1						1							1
Pishon .....		1						1				1					1		
Roa .....						1							1						
Rogers .....						1				1									
Roush .....			1									1			1				
Russell .....																			
Simpers .....						1						1		1	1				
Simpson .....							1										1	1	
Snyder .....			1					1				1		1					1
Stowers .....							1		1										
Summers .....				1			1						1				1		1
Swift .....													1					1	
Terrill .....																			
Tinnin .....						1						1	1		1				
Thomas .....										1			1				1		
Tully .....														1	1				
Vandall .....																			
Venable .....												1	1				1		
Welch .....			1									1							
Wickware .....											1						1		1
Williams .....																			
Winchell .....			1								1								
Wright.....								1									1		1
Mr. Speaker. ....													1					1	



For Master Harrow—Mr. Patterson—1.  
For Master Geo. Roberts—Mr. Escandon—1.

Whole number of votes cast ..... 76  
Necessary to a choice..... 39

S Alexander, having received a majority of all the votes cast, was declared elected one of the Pages of the Assembly.

There being no choice for the other three, the roll was called for a third time, with the following result:

Names.	Torres .....	Todd.....	Tallaferra .....	Stanley .....	A. E. Roberts.	Palm .....	O'Neil.....	Gale.....	Edwards.....	Dunlevy.....	Donahue .....	Curry.....	Ortiz.....	Cloud.....
Ables.....							1		1					
Aldrich .....			1		1				1					
Amerman .....			1	1				1						
Barton.....					1				1	1				
Bowers.....					1					1				
Bradley.....			1										1	
Bryan.....					1					1				
Burt.....					1			1					1	
Byers.....										1			1	
Byrnes.....					1			1					1	
Canfield.....								1		1				1
Carter.....					1								1	
Chandler .....					1					1				
Clark.....								1	1				1	
Coggins.....							1			1				
Cowdery.....							1							
Cressler.....									1				1	
Davis.....							1		1					
Dixon.....							1							1
Escandon.....								1						1
Fahey.....							1			1				
Franck.....								1		1			1	
Freeman.....							1							
Freidenrich.....					1					1				
Ferguson.....							1			1			1	
Giffen.....														
Gilmore, of Calaveras								1						
Gilmore, of El Dorado					1				1		1			
Gray.....								1					1	
Gurnett.....										1				
Hamill.....							1	1						
Hammatt.....							1	1						
Hay.....							1	1					1	
Heald.....								1	1					
Higbie.....								1	1					
Hill.....										1				
Howe.....								1	1					
Hurlburt.....								1		1				
Ingham.....									1		1		1	
Kercheval.....									1					
Klotz.....										1	1			
Knox.....										1				
Long.....								1						
McBride.....									1					
McCallum.....										1				
Meyers.....								1						

Names.	Torres .....	Todd .....	Taharero .....	Stanley .....	A. E. Roberts..	Palm .....	O'Neil .....	Gale .....	Edwards .....	Dunlevy .....	Donahue .....	Curry .....	Craig .....	Cloud .....
Miller .....					1			1		1				
Morgan .....			1	1										
Murphy .....			1		1		1							
Northcutt .....			1				1				1			
Northup .....			1					1						
Norton .....			1						1				1	
Parker .....			1				1		1					
Patterson .....					1				1					
Paulsell .....							1					1		
Peek .....			1	1										
Pelham .....							1	1						
Pishon .....							1							
Rea .....							1			1			1	
Rogers .....								1						
Roush .....									1					
Russell .....												1		
Simpers .....									1					
Simpson .....							1	1						
Snyder .....				1			1							
Stowers .....							1		1					
Summers .....												1		
Swift .....										1				
Terrill .....							1							
Tinnin .....							1		1					
Thomas .....							1					1		
Tully .....												1	1	
Vandall .....									1					
Venable .....							1	1						
Welch .....									1			1		
Wickware .....								1						
Williams .....														
Winchell .....										1			1	
Wright .....							1		1					
Mr. Speaker .....							1		1					

Whole number of votes cast ..... 77

Necessary to a choice ..... 39

Masters Dunlevy and O'Neil, each having received a majority of all the votes cast, were declared elected two of the Pages of the Assembly.

There being no choice for the fourth Page, the roll was again called, with the following result:

Names.	Craig.	Edwards.	Gale.	Roberts.	Taliaferro.
Ables .....					1
Aldrich .....		1			
Amerman .....				1	
Barton .....		1			
Bowers .....			1		
Bradley .....	1				
Bryan .....				1	
Burt .....				1	
Byers .....	1				
Byrnes .....	1				
Canfield .....			1		
Carter .....				1	
Chandler .....	1				
Clark .....		1			
Coggins .....		1			
Cowdery .....	1				
Cressler .....	1				
Davis .....					1
Dixon .....					1
Escandon .....					1
Fahey .....					1
Franck .....	1				
Freeman .....					1
Freidenrich .....				1	
Ferguson .....			1		
Giffen .....					1
Gilmore, of Calaveras .....			1		
Gilmore, of El Dorado .....	1				
Gray .....	1				
Gurnett .....				1	
Hamill .....				1	
Hammitt .....		1			
Hay .....	1				
Heald .....		1			
Higbie .....					1
Hill .....				1	
Howe .....			1		
Hurlburt .....			1		
Ingham .....	1				
Kercheval .....	1				
Klotz .....	1				
Knox .....				1	
Long .....			1		
McBride .....	1				
McCallum .....				1	
Meyers .....					1
Miller .....			1		
Morgan .....					1
Murphy .....	1				
Northeutt .....					1

Names.	Craig.	Edwards.	Gale.	Roberts.	Taliaferro.
Northup .....					1
Norton .....		1			
Parker .....				1	
Patterson .....				1	
Paulsell.....	1				
Peek .....				1	
Pelham .....					
Pishon .....					1
Rea .....			1		
Rogers .....			1		
Roush .....					1
Russell.....					
Simpers.....	1				
Simpson.....			1		
Snyder.....	1				
Stowers.....			1		
Summers.....	1				
Swift.....					1
Terrill.....					1
Tinnin.....				1	
Thomas.....	1				
Tully.....	1				
Vandall.....				1	
Venable.....	1				
Welch .....	1				
Wickware .....				1	
Williams.....					
Winchell.....					1
Wright.....		1			
Mr. Speaker.....				1	

Whole number of votes cast..... 78

Necessary to a choice..... 40

No choice.

The roll was again called, with the following result:

Names.	Craig.	Gale.	Roberts.	Taliaferro.
Ables.....				1
Aldrich.....			1	
Amerman.....	1			
Barton.....				1
Bowers.....			1	
Bradley.....	1			
Bryan.....			1	
Burt.....			1	
Byers.....	1			
Byrnes.....	1			
Canfield.....	1			
Carter.....			1	
Chandler.....	1			
Clark.....	1			
Coggins.....	1			
Cowdery.....	1			
Cressler.....	1			
Davis.....			1	
Dixon.....				1
Escandon.....				1
Fahey.....			1	
Franck.....	1			
Freeman.....				1
Freidenrich.....			1	
Ferguson.....	1			
Giffen.....				1
Gilmore, of Calaveras.....	1			
Gilmore, of El Dorado.....	1			
Gray.....	1			
Gurnett.....			1	
Hamill.....			1	
Hammitt.....			1	
Hay.....	1			
Heald.....				1
Higbie.....	1			
Hull.....			1	
Howe.....			1	
Hurlburt.....	1			
Ingham.....	1			
Kercheval.....	1			
Klotz.....	1			
Knox.....			1	
Long.....	1			
McBride.....	1			
McCallum.....	1			
Meyers.....	1			
Miller.....		1		

Names.	Craig.	Gale.	Roberts.	Taliaferro.
Morgan.....				1
Murphy.....	1			
Northcutt.....				
Northrup.....				1
Norton.....				1
Parker.....				1
Patterson.....				1
Paulsell.....	1			
Peek.....				1
Pelham.....			1	
Pishon.....	1			
Rea.....	1			
Rogers.....			1	
Roush.....				1
Russell.....				
Simpers.....	1			
Simpson.....			1	
Snyder.....	1			
Stowers.....		1		
Summers.....	1			
Swift.....				1
Terrill.....			1	
Tinnin.....			1	
Thomas.....	1			
Tully.....	1			
Vandall.....			1	
Venable.....	1			
Welch.....	1			
Wickware.....			1	
Williams.....				
Winchell.....				1
Wright.....				
Mr. Speaker.....			1	

Whole number of votes cast..... 77

Necessary to a choice..... 39

No choice.

The roll was again called, with the following result:

Names.	Craig.	Roberts.	Stanley.
Ables.....			1
Aldrich.....		1	
Amerman.....	1		
Barton .....			1
Bowers.....	1		
Bradley .....	1		
Bryan .....	1		
Burt .....		1	
Byers .....	1		
Byrnes.....	1		
Canfield .....	1		
Carter .....	1		
Chandler.....	1		
Clark.....	1		
Coggins.....	1		
Cowdery.....	1		
Cressler .....	1		
Davis.....	1		
Dixon.....			1
Escandon .....			1
Fahey .....	1		
Franck.....	1		
Freeman.....	1		
Freidenrich .....		1	
Ferguson.....	1		
Giffen .....			1
Gilmore, of Calaveras.....			1
Gilmore, of El Dorado.....	1		
Gray.....	1		
Gurnett.....	1		
Hamill .....		1	
Hammitt.....	1		
Hay.....	1		
Higbie .....	1		
Hill .....		1	
Howe .....		1	
Hurlburt ..	1		
Ingham.....	1		
Kercheval.....			1
Klotz .....	1		
Knox.....	1		
Long .....	1		
McBride.....	1		
McCallum.....	1		
Meyers .....	1		
Miller.....	1		
Morgan.....	1		
Murphy .....	1		

Names.	Craig.	Roberts.	Stanley.
Northcutt.....	1		
Northup.....			1
Norton.....	1		
Parker.....	1		
Patterson .....		1	
Paulsell .....	1		
Peek .....			1
Pelham.....		1	
Pishon.....	1		
Rea.....	1		
Rogers.....		1	
Roush .....	1		
Simpers.....	1		
Simpson.....	1		
Snyder.....	1		
Stowers .....	1		
Summers.....	1		
Swift .....			1
Terrill.....	1		
Tinnin .....	1		
Thomas .....	1		
Tully .....	1		
Vandall .....		1	
Venable .....	1		
Welch .....	1		
Wickware .....		1	
Winchell .....	1		
Wright.....	1		
Mr. Speaker.....		1	

Whole number of votes cast.....77

Necessary to a choice.....39

Master Robert Craig, having received a majority of all the votes cast, was declared elected one of the Pages of the Assembly.

#### RESOLUTION.

By Mr. Welch:

*Resolved*, That this Assembly elect a Chaplain, whose duty it shall be to open the Assembly, each morning, with prayer, for which he shall receive, as compensation, the sum of five dollars per day.

Mr. Cowdery offered the following, as a substitute:

*Resolved*, That the services of a Chaplain be dispensed with, and the Clerk shall, immediately after roll call, read the Lord's Prayer from his desk.



Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Freeman, Amerman, and Barton, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bradley, Byrnes, Carter, Cowdery, Cressler, Davis, Dixon, Franck, Ferguson, Gray, Hamill, Hay, Heald, Hill, Howe, Ingham, Kercheval, McBride, Murphy, Northcutt, Northup, Pelham, Simpson, Swift, Terrill, Tinnin, Vandall, and Wickware—30.

**NOES**—Messrs. Amerman, Barton, Bowers, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Escandon, Fahey, Freeman, Freidenrich, Gilmore, of Calaveras, Gilmore, of El Dorado, Giffen, Gurnett, Hammitt, Higbie, Hurlburt, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Simpers, Snyder, Stowers, Summers, Thomas, Tully, Venable, Welch, Winchell, Wright, and Mr. Speaker—48.

On motion of Mr. Coggins, the further consideration of the whole subject was postponed until to-morrow.

#### ELECTION OF POSTMASTER.

Mr. Barton nominated G. W. Luce.

Mr. Parker nominated C. E. Street.

Mr. Heald nominated W. Maloy.

Mr. Morgan nominated A. A. Buckley.

Mr. Freeman nominated E. Redden.

Mr. Kercheval nominated J. A. Campbell.

Mr. Coggins nominated L. Berger.

Mr. Barton nominated J. Colla.

The roll was called, with the following result:

Names.	Luce.	Street.	Maloy.	Redden.
Ables .....				1
Aldrich .....				
Amerman .....		1		
Barton .....	1			
Bowers .....				1
Bradley .....				1
Bryan .....	1			
Burt .....	1			
Byers .....		1		
Byrnes .....			1	
Canfield .....		1		
Carter .....		1		
Chandler .....				1
Clark .....		1		
Coggins .....	1			
Cowdery .....				
Cressler .....		1		
Davis .....		1		
Dixon .....		1		

Names.	Luce.	Street.	Maloy.	Redden.
Escandon .....		1		
Fahey .....		1		
Franck .....				1
Freeman .....				1
Freidenrich .....			1	
Ferguson .....		1		
Giffen .....		1		
Gilmore, of Calaveras .....		1		
Gilmore, of El Dorado .....		1		
Gray .....	1			
Gurnett .....		1		
Hamill .....			1	
Hammitt .....		1		
Hay .....			1	
Heald .....			1	
Higbie .....	1			
Hill .....		1		
Howe .....		1		
Hurlburt .....				1
Ingham .....		1		
Kercheval .....	1			
Klotz .....			1	
Knox .....	1			
Long .....		1		
McBride .....		1		
McCallum .....		1		
Meyers .....		1		
Miller .....		1		
Morgan .....				
Murphy .....		1		
Northcutt .....		1		
Northup .....		1		
Norton .....	1			
Parker .....		1		
Patterson .....	1			
Paulsell .....		1		
Peek .....		1		
Pelham .....				1
Pishon .....				1
Rea .....				1
Rogers .....		1		
Roush .....	1			
Russell .....				
Simpers .....		1		
Simpson .....		1		
Snyder .....		1		
Stowers .....		1		
Summers .....		1		
Swift .....			1	
Terrill .....			1	

Names.	Luce.	Street.	Maloy.	Redden.
Tinnin .....		1		
Thomas .....	1			
Tully .....		1		
Vandall .....			1	
Venable .....		1		
Welch .....	1			
Wickware .....		1		
Williams .....				
Winchell .....		1		
Wright .....		1		
Mr. Speaker .....		1		

Mr. Buckley received three votes.

Whole number of votes cast.....75  
Necessary to a choice.....38

Mr. C. E. Street, having received a majority of all the votes, was declared elected Postmaster of the Assembly.

#### FOR POST OFFICE PAGE.

Mr. Tinnin nominated Frank Morse.  
Mr. Hammit nominated E. F. Sanford.  
Mr. Northeutt nominated Louis Berger.

The roll was called, with the following result:

Names.	Morse.	Sanford.	Berger.
Ables .....		1	
Aldrich .....	1		
Amerman .....	1		
Barton .....			1
Bowers .....	1		
Bradley .....	1		
Bryan .....	1		
Burt .....	1		
Byers .....	1		
Byrnes .....			1
Cantfield .....		1	
Carter .....	1		
Chandler .....	1		
Clark .....	1		
Coggins .....		1	
Cowdery .....	1		

Names.	Morse.	Sanford.	Berger.
Cressler.....	1		
Davis.....	1		
Dixon .....			1
Escandon.....			1
Fahey.....	1		
Franck.....			1
Freeman.....	1		
Freidenrich.....			1
Ferguson.....	1		
Giffen.....			1
Gilmore, of Calaveras.....	1		
Gilmore, of El Dorado.....			1
Gray.....	1		
Gurnett.....	1		
Hamill.....			1
Hammitt.....		1	
Hay.....			1
Heald.....			1
Higbie.....		1	
Hill.....	1		
Howe.....			1
Hurlburt.....	1		
Ingham.....			1
Kercheval.....			1
Klotz.....	1		
Knox.....	1		
Long.....			1
McBride.....	1		
McCallum.....	1		
Meyers.....		1	
Miller.....			
Morgan.....			1
Murphy.....			1
Northcutt.....			1
Northup.....			1
Norton.....			1
Parker.....			1
Patterson.....			1
Paulsell.....	1		
Peek.....	1		
Pelham.....			1
Pishon.....	1		
Rea.....			1
Rogers.....			1
Rcush.....			1
Simpers.....			1
Simpson.....	1		
Snyder.....	1		
Stowers.....	1		
Summers.....			1

Names.	Morse.	Sanford.	Berger.
Swift.....			1
Terrill .....			1
Tinnin.....	1		
Thomas.....	1		
Tully.....			1
Vandall.....			1
Venable.....		1	
Welch.....	1		
Wickware.....			1
Winchell.....	1		
Wright.....			1
Mr. Speaker.....		1	

Whole number of votes cast..... 76

Necessary to a choice..... 39

No choice.

The roll was again called, with the following result:

Names.	Morse.	Sanford.	Berger.
Ables.....	1		
Aldrich .....			1
Amerman .....	1		
Barton .....			1
Bowers .....	1		
Bradley.....	1		
Bryan .....	1		
Burt.....	1		
Byers.....	1		
Byrnes .....			1
Canfield.....	1		
Carter .....	1		
Chandler.....	1		
Clark.....	1		
Coggins .....	1		
Cowdery .....	1		
Cressler .....	1		
Davis.....	1		
Dixon.....			1
Escandon .....			1
Fahey .....	1		
Franck .....			1
Freeman.....	1		
Freidenrich.....			1

Names.	Morse.	Sanford.	Berger.
Ferguson .....			1
Giffen .....			1
Gilmore, of Calaveras.....	1		
Gilmore, of El Dorado.....			1
Gray.....	1		
Gurnett.....	1		
Hamill .....			1
Hammitt.....		1	
Hay. ....			1
Heald .....			1
Higbie.....	1		
Hill .....	1		
Howe.....			1
Hurlburt.....	1		
Ingham .....			1
Kercheval.....	1		
Klotz .....	1		
Knox.....	1		
Long.....			1
McBride.....	1		
McCallum.....	1		
Meyers.....	1		
Miller .....	1		
Morgan. ....			1
Murphy .....			1
Northcutt.....			1
Northup.....			1
Norton .....			1
Parker .....			1
Patterson.....			1
Paulsell.....	1		
Peek .....	1		
Pelham.....			1
Pishon.....	1		
Rea .....	1		
Rogers .....			1
Roush.....			1
Russell.....			
Simpers.....			1
Simpson .....	1		
Snyder .....	1		
Stowers .....	1		
Summers.....			1
Swift .....			1
Terrill .....			1
Tinnin .....	1		
Thomas.....	1		
Tully .....			1
Vandall.....			1
Venable.....	1		

Names.	Morse.	Sanford.	Berger.
Welch .....	1	.....	.....
Wickware .....	.....	.....	1
Williams .....	.....	.....	.....
Winchell .....	1	.....	.....
Wright.....	.....	.....	1
Mr. Speaker.....	1	.....	.....

Whole number of votes cast..... 79

Necessary to a choice..... 40

Master Frank Morse, having received a majority of all the votes cast, was declared elected Post Office Page of the Assembly.

FOR PAPER FOLDER.

Mr. Tinnin nominated W. G. Hawkett.

Mr. Ables nominated Herman Enkle.

The roll was called, with the following result:

Names.	Hawkett.	Enkle.
Ables .....	.....	1
Aldrich .....	.....	1
Amerman.....	1	.....
Barton .....	1	.....
Bowers .....	.....	1
Bradley .....	.....	1
Bryan.....	.....	1
Burt .....	1	.....
Byers .....	.....	1
Byrnes .....	1	.....
Canfield.....	1	.....
Carter.....	.....	1
Chandler .....	.....	1
Clark .....	1	.....
Coggins.....	.....	1
Cowdery.....	.....	1
Cressler.....	1	.....
Davis.....	.....	1
Dixon .....	1	.....
Escandon.....	.....	1
Fabey.....	1	.....
Franck .....	.....	1
Freeman .....	1	.....

Names.	Hawkett.	Enkle.
Freidenrich.....		1
Ferguson .....	1	
Giffen .....		1
Gilmore, of Calaveras.....		1
Gilmore, of El Dorado.....	1	
Gray .....		1
Gurnett.....	1	
Hamill .....	1	
Hammitt.....		1
Hay .....	1	
Heald .....		1
Higbie .....	1	
Hill.....		1
Howe.....		1
Hurlburt.....	1	
Ingham .....	1	
Kercheval.....	1	
Klotz.....	1	
Knox .....	1	
Long.....		1
McBride.....	1	
McCallum .....	1	
Meyers.....		1
Miller .....		1
Morgan .....	1	
Murphy .....	1	
Northeutt .....	1	
Northup.....	1	
Norton.....	1	
Parker .....	1	
Patterson .....		1
Paulsell.....	1	
Peek .....		1
Pelham .....	1	
Pishon.....		1
Rea.....		1
Rogers .....		1
Roush .....	1	
Russell .....		
Simpers .....	1	
Simpson .....	1	
Snyder .....	1	
Stowers.....	1	
Summers .....	1	
Swift.....		1
Terrill .....		1
Tinnin .....	1	
Thomas.....		1
Tully .....	1	
Vandall .....		1



Names.	Hawkett.	Enkle.
Venable.....	1	.....
Welch.....	1	.....
Wickware.....	.....	1
Williams.....	.....	.....
Winchell.....	1	.....
Wright.....	1	.....
Mr. Speaker.....	1	.....

Whole number of votes cast..... 75

Necessary to a choice..... 38

W. G. Hawkett, having received a majority of all the votes cast, was declared elected Paper Folder of the Assembly.

At four o'clock and ten minutes P. M., on motion of Mr. Murphy, the House adjourned until to-morrow at ten o'clock A. M.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW, Chief Clerk.

# IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, December 5th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

At ten o'clock and fifteen minutes A. M., on motion of Mr. Ferguson, the special order for two o'clock P. M. was taken up.

## FOR ENROLLING CLERK.

Mr. Cowdery nominated Richard Brown.

Mr. Dixon nominated Tod Robinson.

The roll was called, with the following result:

Names.	Robinson.	Brown.
Ables.....		1
Aldrich.....		1
Amerman.....	1	
Barton.....		1
Bowers.....	1	
Bradley.....		1
Bryan.....		1
Burt.....	1	
Byers.....		1
Byrnes.....		1
Canfield.....	1	
Carter.....		1
Chandler.....		1
Clark.....		1
Coggins.....	1	
Cowdery.....		1
Cressler.....		1
Davis.....		1
Dixon.....	1	
Escandon.....		1
Fahey.....		1
Franck.....		1
Freeman.....	1	
Freidenrich.....		1
Ferguson.....	1	
Giffen.....		1
Gilmore, of Calaveras.....		
Gilmore, of El Dorado.....		1
Gray.....		1
Gurnett.....		1
Hamill.....		1
Hammitt.....		1
Hay.....		1
Heald.....		1
Higbie.....	1	
Hill.....		1
Howe.....		1
Hurlburt.....		1
Ingham.....	1	
Kercheval.....		1
Klotz.....	1	
*Knox.....		1
Long.....		1
McBride.....	1	
McCallum.....	1	
Meyers.....	1	
Miller.....		1
Morgan.....		1
Murphy.....		1
Northcutt.....		1

Names.	Robinson.	Brown.
Northup.....		1
Norton.....	1	.....
Parker.....	1	.....
Patterson.....		1
Paulsell.....	1	.....
Peek.....		1
Pelham.....	1	.....
Pishon.....		1
Rea.....		1
Rogers.....		1
Roush.....	1	.....
Russell.....		.....
Simpers.....	1	.....
Simpson.....		1
Snyder.....	1	.....
Stowers.....	1	.....
Summers.....		.....
Swift.....		1
Terrill.....		1
Tinnin.....		1
Thomas.....		1
Tully.....	1	.....
Vandall.....		1
Venable.....	1	.....
Welch.....	1	.....
Wickware.....		1
Williams.....	1	.....
Winchell.....		1
Wright.....	1	.....
Mr. Speaker.....		.....

Whole number of votes cast.....	76
Necessary to a choice.....	39
Mr. Brown received.....	49
Mr. Robinson received.....	27

Mr. Brown, having received a majority of all the votes cast, was declared elected Enrolling Clerk of the Assembly.

The Enrolling Clerk elect came forward and took the oath of office, administered by the Speaker.

#### RESOLUTIONS.

By Mr. Tinnin:

*Resolved*, That the Sergeant-at-Arms be instructed and required to furnish each member of this Assembly with six daily papers, or their equivalent in weeklies; the papers to be selected by the members, and paid for out of the Contingent Fund of this House.

Mr. Freidenrich moved to amend the resolution, so as that each member shall pay for his own papers.

The amendment was lost.

The original resolution was adopted.

By Mr. Tinnin:

*Resolved*, That the Sergeant-at-Arms be instructed and required to furnish each member of the Assembly with postage stamps to the amount of fifteen dollars; the same to be paid for out of the Contingent Fund of this House.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Vandall, Ables, and Freidenrich, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hammitt, Hay, Higbie, Howe, Hurlburt, Ingham, Kercheval, Knox, Long, Meyers, Miller, Murphy, Northcutt, Norton, Parker, Patterson, Peck, Pishon, Rogers, Roush, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Wickware, Williams, Wright, and Mr. Speaker—59.

**NOES**—Messrs. Ables, Barton, Freidenrich, Hamill, Heald, Hill, Klotz, McBride, McCallum, Morgan, Northup, Paulsell, Pelham, Rea, Simpers, Simpson, Vandall, Welch, and Winchell—19.

By Mr. Coggins:

*Resolved*, That a special committee of five be appointed by the Chair, whose duty it shall be to ascertain, and from time to time report upon the necessity of appointing or electing additional employes of the Assembly, and who shall specifically define the duties of said employes, confer with the standing committees regarding the consolidation of the duties of clerks and janitors, adjust the arrangement of the committee rooms, and perform such other duties as may be required to curtail useless expense during the session.

*Resolved*, That all resolutions for the appointment of additional employes be referred to said committee.

Adopted.

By Mr. Murphy:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to furnish the newspaper reporters and correspondents who have seats assigned them by the Speaker on the floor of this House, such stationery as they may require as representatives of the press.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Murphy, Ables, and Snyder, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bryan, Byrnes, Coggins, Dixon, Escandon, Fahey, Gilmore of El Dorado, Giffin, Gurnett, Hamill,

Hammitt, Howe, Ingham, Klotz, McBride, McCallum, Murphy, Northcutt, Snyder, Stowers, Swift, Tinnin, Thomas, Welch, Wickware, and Mr. Speaker—29.

NOES—Messrs. Ables, Aldrich, Bradley, Burt, Byers, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Hay, Heald, Higbie, Hill, Hurlburt, Kercheval, Knox, Long, Meyers, Miller, Morgan, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Simpson, Summers, Terrill, Tully, Vandall, Venable, Williams, Winchell, and Wright—49.

By Mr. Freeman:

WHEREAS, The Secretary of State, in his biennial report for the twenty-third and twenty-fourth fiscal years, reports that the cost of stationery furnished the Assembly for the nineteenth session was nine thousand five hundred and thirty-seven and seventy-one one hundredths dollars, an average of one hundred and nineteen and twenty-two one hundredths dollars for each member; therefore, be it

*Resolved*, That the Secretary of State issue stationery to members and officers of the Assembly, only upon a requisition, specifying the amount and character of stationery required, signed by the member or officer receiving the same; and he is hereby directed to keep a special account with each, reporting to the Assembly the amount furnished each member or officer at such times as the Assembly may direct. He shall also cause the same to be published in his next biennial report.

Adopted.

By Mr. Amerman:

*Resolved*, That a committee of three be appointed by the Speaker to ascertain the amount due the temporary attaches of this House.

Referred to the committee to be appointed by the Chair, in pursuance to the resolution heretofore adopted, as introduced by Mr. Coggins.

By Mr. Amerman:

*Resolved*, That a committee of three be appointed by the Speaker to prepare rules for the government of the Assembly, and that said committee be authorized to act with a similar committee from the Senate on joint rules.

Adopted.

By Mr. Freidenrich:

*Resolved*, That the Secretary of State be directed to report to this House the amount of stationery already furnished to each member, and the cost thereof.

Adopted.

By Mr. Barton:

*Resolved*, That the Secretary of State be and he is hereby requested to procure a convenient and suitable room in the Capitol building for the use of John Miller, to be used by him as a refreshment room.

Mr. Amerman offered the following substitute:

*Resolved*, That a committee of two be appointed by the Speaker of this House, to act with a similar committee from the Senate, to confer with the Secretary of State, as to the propriety and feasibility of preparing some room in the basement of this building for restaurant purposes.

On motion, the whole matter was referred to the Capitol Commissioners.

By Mr. Freeman:

*Resolved*, That the Clerk be instructed to inform the Senate that the Assembly is fully organized by the election of the following officers, and is now ready to proceed to business:

Speaker.....	M. M. Estee.
Speaker pro tem.....	Robert Howe.
Chief Clerk.....	D. T. Loofbourrow.
Assistant Clerks.....	{ John Webber.
	{ J. A. Brumsey.
Sergeant-at-Arms.....	Wm. M. Crutcher.
Assistant Sergeant-at-Arms.....	J. M. Inghram.
Minute Clerk.....	T. S. Harris.
Journal Clerk.....	B. F. Jeffries.
Copying Clerks.....	{ Mrs. J. P. Biggers.
	{ Walter Ferral.
Enrolling Clerk.....	Richard Brown.
Engrossing Clerk.....	C. H. King.
Porters.....	{ W. H. Copper.
	{ Charles Welty.
	{ J. Nicholson.
	{ Jno. S. Wilkins.
Pages.....	{ Sam'l Alexander.
	{ Robert Craig.
	{ Wm. Dunlevy.
	{ J. O'Niel.
Postmaster.....	C. E. Street.
Post Office Page.....	Frank Morse.
Paper Folder.....	W. J. Hawkett.

By Mr. Franck:

*Resolved*, That the Speaker be authorized to assign the Porters elect to their various duties.

Adopted.

#### SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,  
Thursday, December 4th, 1873. }

I am directed to inform your honorable body that the Senate has com

pleted its organization by the election of the following officers, and is now ready to proceed to legislative business:

President pro tem.....	Hon. Wm. Irwin.
Secretary.....	T. J. Shackelford.
Assistant Secretaries.....	J. B. Chinn and J. H. Reed.
Sergeant-at-Arms.....	James W. Hawkins.
Assistant Sergeant-at-Arms.....	C. J. Burns.
Minute Clerk.....	Newton Benedict.
Journal Clerk.....	A. J. Thompson.
Enrolling Clerk.....	Alfred H. Estell.
Engrossing Clerk.....	D. Fenton.
Copying Clerks.....	Fred. Creque and A. J. Starling.
Porters.....	H. Clock, Ed. Duffy, and S. J. Eddy.
Pages.....	George Ellery, Clarence King, and James McBoyle.
Postmaster.....	George W. Beveridge.
Post Office Page.....	Benjamin W. Day.
Paper Folder.....	George R. Hansbrow.

Also, on this fourth day of December, adopted Senate Concurrent Resolution No. 1—Relative to organization, and a joint committee to wait on the Governor and inform him of the same.

Also, adopted Senate Concurrent Resolution No. 2—To appoint a Joint Committee on Public Expenditures.

J. B. CHINN,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 1, above reported, was adopted, and in pursuance to the resolution, the Speaker appointed as such committee on the part of the House, Messrs. Freeman, Tully, and Swift.

Senate Concurrent Resolution No. 2, above reported, was adopted.

#### RESOLUTIONS.

By Mr. Norton:

WHEREAS, It is proposed to make amendments to the Codes now in force; in order to enable members of this House to vote understandingly on such amendments,

*Resolved*, That the Sergeant-at-Arms be directed to procure from the Secretary of State one copy of the Codes, and the Assembly Journal of the last session, for each member of the Assembly.

Adopted.

On motion of Mr. Bowers, the House took up the resolution relative to the appointment of Chaplain.

On motion of Mr. Hamill, the whole matter was referred to the special committee heretofore ordered to be appointed.

By Mr. Parker:

WHEREAS, The system of allowing the early selection of seats by members elect who reside near the Capitol, without regard to the equal

rights of members from distant districts, must be considered unjust; therefore,

*Resolved*, That the members by delegations now proceed to choose seats for the session by lot.

The resolution was lost.

By Mr. Tinnin:

*Resolved*, That rule seventy be struck out and the following inserted:

"No persons except Senators, State officers, Governors and ex-Governors of States, members of Congress, Judges of the Supreme or District Courts, members of the press, when accredited by their respective journals, ladies, when specially invited by members, shall be admitted within the Assembly chamber, except in the galleries, during the sessions of the House, but a majority may have the floor of the House, within the bar, cleared of all such persons. The Speaker is charged with the enforcing of this rule."

Mr. Aldrich offered the following amendment:

Allowing each member the privilege to invite such person as he may choose, to take a seat within the bar of the House.

The amendment was adopted on a division.

Mr. Williams raised the point of order that the proposition being to change a standing rule of the House, it should lay over one day.

The Speaker decided the point of order to be well taken.

By Mr. Stowers:

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized and directed to take from this House, daily, in time for all outgoing mails and expresses, all letters, newspapers, and other mail matter.

Lost.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Tinnin, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### COMMITTEE.

The Speaker appointed as committee on appointing additional employes, etc., Messrs. Meyers, Kercheval, Hay, Stowers, and Rogers.

#### RESOLUTION.

By Mr. Cowdery:

*Resolved*, That the two phonographic reporters now occupying seats on this floor, be given, out of the Contingent Fund of this House, twenty-five dollars each, with which to supply paper for their use during this session of the Legislature; and the several correspondents assigned seats by the Speaker, be furnished with one ream each of legal cap.

Adopted.



## REPORT.

Mr. Freeman, from the committee appointed to wait upon the Governor and inform him of the organization of the House, reported that the committee had performed the duty assigned it, and asked to be discharged.

## NOTICES.

Mr. Amerman gave notice that he would, at an early day, introduce a bill, entitled "An Act to define the Senatorial and Assembly Districts of the State, and to apportion the representation thereof."

Mr. Bowers gave notice that he would, on to-morrow, introduce a bill, entitled an Act concerning certain ordinances of the Trustees of the City of San Diego, in relation to right of way of Texas Pacific Railway.

Mr. Ables gave notice that he would, at an early day, introduce a bill entitled "An Act to repeal all special road laws applying to Marin County."

Mr. Cowdery gave notice that he would, at an early day, introduce a bill entitled an Act to repeal an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties, approved April fourth, eighteen hundred and seventy.

## RESOLUTIONS.

By Mr. Amerman:

*Resolved*, That the Sergeant-at-Arms be and he is authorized and directed to take from the Post Office and express office the letters and papers for members, and deliver the same at the Assembly chamber to the Postmaster of the Assembly.

Adopted.

By Mr. Freeman:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to count and keep a record of all reports and documents delivered to him, by the State Printer, and compare the same with the bills of the State Printer before certifying to them.

Adopted.

By Mr. Venable:

*Resolved*, That there be added to the standing committees of the House a Committee of seven on Irrigation, to whom shall be referred all matters relative to water and irrigation.

Adopted.

## NOTICE.

Mr. Terrill gave notice that he would, at an early day, introduce a bill providing for the establishment of a labor shool or schools in the City and County of San Francisco.

## CONCURRENT RESOLUTION.

By Mr. Wright:

Concurrent resolution relative to the repeal of import duty on burlaps and grain and wool sacks.

Read and adopted.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Freeman—An Act to amend certain sections of volume one of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act concerning railroad companies within the State of California.

Read first and second times, and referred to the Committee on Corporations.

Also, an Act to amend the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cowdery—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.

Read first and second times, and placed on file.

By Mr. Hill—An Act to suppress Chinese slavery or involuntary servitude.

Read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Freeman, two hundred and forty copies of all bills of a general nature were ordered printed.

## RESOLUTION.

By Mr. Aldrich:

*Resolved*, That when this House adjourn, that it adjourn until Monday next at two o'clock and thirty minutes P. M.

## LEAVE OF ABSENCE.

Mr. Byrnes was granted leave of absence until Thursday next.

Mr. Wright was granted leave of absence until Tuesday next.

Mr. Russell was granted indefinite leave of absence, on account of sickness.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 5th, 1873. }

*To the Assembly of the State of California:*

I herewith transmit to your honorable body my first biennial message, with accompanying documents.

NEWTON BOOTH,  
Governor.

On motion of Mr. Murphy, the reading of the message was dispensed with.

GOVERNOR'S MESSAGE.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 1st, 1873. }

*To the Assembly of the State of California:*

I congratulate you upon the favorable auspices under which you are assembled. In the past two years the seasons have been propitious; the growth of the State, if not rapid, has been natural and healthful, and we have been happily exempt from the financial revulsion which has so disastrously affected the business and commercial credits of the people of most of our sister States. The Indian hostilities which lately threatened the people of the northeastern portion of the State with the dangers of a protracted Indian war, have been suppressed by the vigorous measures of the General Government, without expense to the State. The brave men who fell in the discharge of their perilous duty, in giving protection and security to our fellow-citizens, should be held in grateful recollection, and their comrades, who survive, are entitled to honorable recognition. This is the more due from us to them, as Indian warfare is more fraught with hardship and danger than any other, and affords less of that opportunity which is the soldier's highest incentive and confers his truest reward.

I take great pleasure in calling your attention to the reports of the Controller and State Board of Equalization, herewith transmitted. They are State papers of great ability, full of suggestive matter, and are worthy of careful study. Taken in connection, they not only exhibit the present condition of the State and the distribution of the property it contains, but are valuable contributions to its financial history. Prior to eighteen hundred and seventy-two, no uniform rule was observed for determining the values of property for purposes of taxation. The result was, valuations were almost as various as the counties, ranging from fifteen to eighty per cent of real values. As the rate of taxation for county purposes was generally limited by law, the counties that were poor and embarrassed were compelled to adopt a higher standard of valuation than their more fortunate neighbors, in order to obtain the necessary county revenues, and their property-holders paid an undue proportion for the support of the State government. To remedy this injustice, the State Board of Equalization was instituted. The Code adopted by the last Legislature did not assume to enlarge the definition of property, or change the law of assessment, but only provided the machinery for ascertaining the cash value of all that which the Courts of the State had decided to be property subject to taxation in the meaning of the Constitution, so as to secure the uniformity the Constitution requires. Under the operation of this provision, the assessment rolls, as equalized, were increased from two hundred and sixty-seven million eight hundred and sixty-eight thousand one hundred and twenty-six dollars and seventy-six cents, in eighteen hundred and seventy-one, to six hundred and thirty-seven million two hundred and thirty-two thousand eight hundred and twenty-three dollars and thirty-one cents, in eighteen hundred and seventy-two. In order to conform to the fiscal theory of the Government, that the revenues of each year

should be, as nearly as possible, equal to the appropriations, the Legislature authorized the Board of Equalization to determine the rate of taxation necessary to meet the current appropriations of the fiscal year after they had received and equalized the Assessors' returns.

For the twenty-fourth fiscal year (July first, eighteen hundred and seventy-two, to July first, eighteen hundred and seventy-three), the Board fixed the rate at one half of one per cent. The rate was not reduced in the same proportion the valuation was increased, for reasons shown in the report of the Board of Equalization: First—Because, under the Code, the State derives her revenues from a property tax only, and prior to its enactment she had received annually about four hundred and twenty thousand dollars from licenses, half the poll taxes, stamps, premiums on insurance, etc. Second—The deficiencies of the twenty-second and twenty-third fiscal years were large, as the rate of the State tax fixed by the Legislature of eighteen hundred and sixty-nine and eighteen hundred and seventy was insufficient. Third—Unusually large appropriations were made by the last Legislature.

The litigation incident to putting the new system in operation, is set forth in the report of the Board. After various writs, orders, and appeals, a majority of the Justices of the Supreme Court, at the April term, eighteen hundred and seventy-three, held in substance: That the law creating the Board of Equalization, and authorizing it to fix the rate of taxation, was constitutional; that the taxation of solvent debts amounted to double taxation, and violated the rule of the Constitution which requires uniformity. On account of this decision solvent debts were omitted from the assessment rolls of eighteen hundred and seventy-three, and the amount of taxable property reduced to five hundred and twenty-seven millions two hundred and three thousand nine hundred and eighty-two dollars. The Board were prevented from making a reduction of the rate corresponding to the reduction of expenses, but compelled to again fix it at one half of one per cent to raise the necessary revenues. After a rehearing of the cases in which the decision above referred to was rendered, on the seventh of November, eighteen hundred and seventy-three, it was held by a majority of the Court, two Justices dissenting, that the law prescribing the powers of the State Board of Equalization was constitutional.

As the injunction asked for was denied for other reasons, the question of the constitutionality of the taxation of solvent debts was not necessarily before the Court for judicial decision, and upon this subject it is difficult to find a concurrence of more than two of the opinions rendered upon any one point.

Two of the opinions were to the effect that solvent debts were not taxable; one that under the Constitution they could not be exempt; one that in any given case it devolves upon the owner of a debt seeking relief to show that the same specified thing has been taxed more than once; and one that the question as a general principle is one of political economy, belonging to the Legislative, and not to the Judicial Department.

Owing to this litigation, the delinquencies have far exceeded the estimate, amounting—for State purposes—on solvent debts alone, to four hundred and seventy-nine thousand two hundred and sixty-eight dollars and eighty cents in San Francisco.

I respectfully commend to your careful study the opinions of the Justices of the Supreme Court on this subject. That men so learned,

able, and upright, should not be able to agree upon the constitutional construction of a law upon which the State and county governments depend for their revenues, and therefore for their existence, clearly shows that some constitutional change should be made. It would be a public misfortune, resulting in the old system of inequality, to lose the services of an efficient State Board of Equalization. The provision of section thirteen, Article eleven, of the Constitution, which requires that "Assessors and Collectors of town, county, and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed \* \* is situated," has been productive of great difficulty, expense, and litigation in the collection of street assessments, road, school, and other local taxes, and is constantly invoked by those who desire to avoid the payment of their just share of the expenses of government. The reasons for its adoption have long since ceased. The objections to the constitutionality of the State Board of Equalization set forth in the opinion of the Chief Justice of the Supreme Court, could be remedied by providing for the election of three State Assessors, whose duties would be similar to those of the present State Board. I am of opinion that the Constitution should prohibit injunctions to restrain the collections of taxes. I concur in the recommendation of the State Board that the law should provide that "taxes paid under protest should be paid over to the State and county, and that the taxpayer desiring to test the legality of the taxes so paid, should be denied an action against the Tax Collector to recover, but allowed one against the county and State."

No system of taxation can be absolutely just, but no system is so unjust practically as one that is but partially enforced, and which necessarily lays the burdens of government upon those who are least able, or most patriotic and conscientious. Appropriations are made by the representatives chosen by the people for that purpose. If the science of political economy has not succeeded in demonstrating the exact best method of collecting a revenue, and probably cannot under the varying conditions of civilized society, it is not the fault of legislators, who, in the apportionment of taxes, endeavor, to the best of their judgment, to adopt an equitable system; and the refusal of any one to pay is not an imaginary injury to that incorporeal something called the State, but a substantial wrong to those who are compelled to make the default good.

At the beginning of this administration the indebtedness of the State, exclusive of money on hand to redeem bonds, was.....	\$4,042,864 93
On June 30th, 1873.....	3,714,668 92
Decrease .....	\$328,196 01
On the first of November, 1871, the debt of the State, bearing interest, in private hands, was.....	\$2,121,500 00
On November 1st, 1873.....	1,634,000 00
Decrease .....	\$487,500 00

The entire Funded Debt, exclusive of money applicable to redemption, was, November 1st, 1873.....	\$3,448,000 00
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Of which there was held:

In trust for the School Fund.....	\$1,417,500 00
In trust for the University Fund.....	396,500 00
In private hands.....	1,634,000 00

It seems to have grown into a prescriptive usage that the State should hold a portion of her own bonds, in trust, for purposes of her own good government, and that the sum so held should figure in the annual exhibit of her indebtedness—an indebtedness held by herself against herself. The custom seems to me very much as though a man should execute a note to himself for an amount to be devoted to the education of his children, which should annually appear in his balance sheet as a liability. It is true, a portion of these bonds are the proceeds of lands given to the State by the General Government for educational purposes, but the State does, and always will, discharge that obligation, and more, and could do so equally well without the unnecessary machinery of bond and coupon accounts; and if the appropriation were made direct, we should have a more definite idea of the amount of money devoted to the support of each department of government.

The State really owes, November first, eighteen hundred and seventy-three:

On bonds to parties other than herself.....	\$1,634,000 00
On outstanding warrants.....	660,604 94
Total .....	\$2,294,604 94

When we consider the circumstances under which the State was settled; the habits of speculation and personal extravagance which were stimulated by its early methods of business; the changeable character of its population; the facts that public buildings had to be provided in a brief period—that appropriations for public charities have, necessarily, been exceptionally large, and those for educational purposes upon a liberal scale—we are compelled to the conclusion that the fiscal policy of the State Government, as a whole, has been prudently managed.

The total of the funded debt of the counties is seven million five hundred and twenty-three thousand six hundred and eighty-six dollars and forty-one cents. Much of this was contracted in the "flush times," from an unfortunate habit of liberally discounting the future; a considerable portion of it is for subsidies to railroads and toll roads; and, in some instances, it is so heavy a burden as to threaten the bankruptcy and practical dissolution of the county governments. I find in this the most gloomy outlook of the financial future of the people of the State, and the most difficult one for the Legislature to deal with.

The revenues received by the State from all sources, for two years, beginning July first, eighteen hundred and seventy-one, and ending June thirtieth, eighteen hundred and seventy-three, which were applicable to payment of current expenses, and principal and interest of public debt, were four million nine hundred and forty-eight thousand nine hundred and thirty-seven dollars and twenty-two cents. This does not include such receipts from lands as are invested in bonds for the School and University Funds, or the receipts from the San Francisco wharves, which are set apart and used only for the improvement of the water front—but does include two hundred and fifty thousand dollars from the sale of State Capitol bonds.

The report of the Controller will show the items of expenditure. I have segregated and classified the principal items, in order to show, as clearly as possible, "where the money goes," and to furnish a proper basis for intelligent retrenchment. In the two years ending June thirtieth, eighteen hundred and seventy-three, there was expended:

For public buildings and improvements, exclusive of San Francisco wharves.....	\$1,225,614 60	
Annual average.....		\$612,807 30
For educational purposes, buildings and purchase of bonds not included.....	953,563 82	
Annual average.....		476,781 91
For charities—insane, deaf, dumb, and blind, and orphans, and donations.....	688,300 29	
Annual average.....		344,150 15
For Judicial department.....	258,785 16	
Annual average.....		129,392 58
For support of State Prison.....	255,181 82	
Annual average.....		127,590 91
For aid to societies.....	40,000 00	
Annual average.....		20,000 00
For salaries of State officers and clerks...	221,048 28	
Annual average.....		110,524 14
For printing, paper, and official advertisements.....	197,505 60	
Annual average.....		98,752 80
For the National Guard of California .....	114,022 44	
Annual average.....		57,011 22
For the State Library.....	32,568 91	
Annual average.....		16,284 45
For the revision of laws.....	38,725 56	
For the nineteenth Legislature.....	277,058 08	
For the relief of Calaveras County.....	60,212 50	
For interest guaranteed on bonds of the Central Pacific Railroad Company.....	210,000 00	
Annual average.....		105,000 00
For interest on the State debt, other than that held for schools and university.....	299,226 16	
Annual average.....		149,613 08

A number of valuable and timely suggestions are made in the report of the Controller in regard to retrenchment of current expenses. I agree with him that the contingent expenses of the Legislature are unnecessarily large, and that part of the supplies for the Legislature, and of "fuel, lights, and stationery," could be purchased by contract to advantage. It will always be necessary, however, to give the Secretary of State some discretion, as it is impossible to anticipate every item which will become necessary.

I do not think the salaries paid to Judicial officers, and State officers, and members of the Legislature, in excess, if their duties are faithfully discharged, while any salary to inefficiency is worse than a loss. The report of the Controller himself, shows how much value an able officer can make his services to the State.

The appropriations for buildings and improvements can be greatly reduced, principally, however, because the necessities of the State are more nearly supplied than ever before.

I concur in the recommendations that the transportation of prisoners and insane be made a county charge; that the Hospital Fund be abolished, and the amount therein turned over to the General Fund; that the *ad valorem* tax be so consolidated as to be levied only for the General Fund, Sinking and Interest Fund, and School Fund; and agree with him that the practice of placing in the general appropriation bill any items other than those for necessary expenses of government, tends to make it a vehicle for carrying measures of a special or doubtful character. There is no difficulty in preparing a general appropriation bill to meet ordinary expenses. It should be one of the first Acts adopted, so that all other measures and appropriations may stand or fall upon their own merits.

I shall refer to some of the other suggestions in treating of the heads to which they properly belong.

If the State never had acted upon the policy of contributing to orphan asylums, private charities would no doubt have supplied the want; to cease, however, all appropriations at once, without timely notice, would cause great suffering to a very helpless class, who are to some extent wards of the State. I believe, though, that sound policy requires that the State should at an early day make suitable provision for the care of such orphans as are properly dependent upon her charity, and discontinue appropriations to institutions not under her control, and that no appropriations should be made in aid of private societies, to promote special interests, or for bounties or subsidies.

#### REPORT OF THE TREASURER.

The report of the Treasurer succinctly exhibits in tabulated form the receipts and expenditures of the State for the twenty-third and twenty-fourth fiscal years, and the condition of the various Funds on June thirtieth, eighteen hundred and seventy-three.

#### ATTORNEY GENERAL'S REPORT.

The litigation of the State has recently been in some respects of a very important nature. The Attorney General sets it clearly forth in his report, which contains, also, some valuable recommendations in regard to changes in the laws and Constitution.

He suggests the enactment of a law to prohibit carrying concealed



weapons, and the proposition is strengthened by the experience of the State since the repeal of the former statute upon that subject. In different portions of this message I shall discuss the other suggestions of his report, except that in regard to minority representations. I am myself so firmly convinced that a just system should be adopted, which will secure to minorities a fair representation, that I commend the subject to your consideration, not only in its application to private corporations and municipal governments, but as one worthy of your deliberations upon State policy and constitutional amendments. If the principle were carried into the election of members of the Legislature, it would obviate the practical difficulty of accurately bounding the districts, and prevent colonization. Under such a system, the most populous counties could elect their representatives by general vote, with a fair assurance that each party would be represented in proportion to its numerical strength.

#### SECRETARY OF STATE.

The report of the Secretary of State is a satisfactory exhibit of the transactions of his office, and contains some valuable suggestions. I call your attention especially to the paragraph in reference to the publication of the Reports of the Supreme Court. The expense to the State of the publication of one thousand two hundred copies of each volume amounts annually to more than ten thousand dollars. No revenue has been derived from the sale of the Reports, because, since the new law went into operation, the demand has been supplied by their publication in book form by a private publishing house before the edition for the State was delivered. If this work were taken from the State printing, and the Secretary of State or Board of Examiners were authorized to make a contract therefor, all, or nearly all, of the expense could be saved, and the State be furnished with the three hundred copies, necessary for distribution, at a nominal price.

#### LOAN COMMISSIONERS.

An Act to provide for the payment of the funded indebtedness of the State, and to contract a funded debt for that purpose, approved April second, eighteen hundred and seventy, and ratified by the popular vote at the next general election, appointed the Governor, the Controller, and Treasurer a Board of Loan Commissioners, and authorized them to issue and sell not exceeding three million seven hundred thousand dollars of six per cent State bonds for the purpose of redeeming the outstanding seven per cent bonds which by their terms were subject to redemption. By the provisions of the Act, the holders of bonds issued under the Act of April twenty-eighth, eighteen hundred and fifty-seven, and of those issued under the Act of eighteen hundred and sixty, and of Soldiers' Relief and Soldiers' Bounty Bonds, were entitled to exchange them for the new issue at the rate of ninety-three cents on the dollar par value. The Commissioners have advertised for proposals, and have held a number of meetings, with the following result: The total amount of new six per cent bonds issued to July first, eighteen hundred and seventy-three, is one million four hundred and ninety-seven thousand five hundred dollars, of which one million one hundred and forty-seven thousand five hundred dollars were exchanged at ninety-three cents for outstanding bonds specified in the Act referred to, and three hundred and fifty thousand dollars were sold at par to the School and University

Funds. Of the one million four hundred and ninety-seven thousand five hundred dollars issued, there is held by the State one million sixty-six thousand five hundred dollars for the School Fund, and two hundred and sixty-one thousand five hundred dollars for the University Fund.

Certificates amounting to two thousand one hundred and eighty-eight dollars and twelve cents have been paid, and three hundred and forty-seven thousand eight hundred and eleven dollars and eighty-eight cents, balance from the sale of bonds, has been placed to the credit of the Sinking and Interest Fund of eighteen hundred and fifty-seven. Unpaid certificates to the amount of one thousand nine hundred and thirteen dollars and eighty-seven cents are yet outstanding, one hundred and sixty-six dollars and sixty cents of which is for the School Fund, and three hundred and twenty-seven dollars and ninety-five cents is for the University Fund.

No bids for the purchase of bonds were received which were satisfactory to the Board, except those from the School and University Funds above mentioned, and the Commissioners have deferred further action in the hope that such of the outstanding bonds as are not exchanged under the provisions of the Act will be absorbed by the School and University Funds before maturity.

#### STATE LIBRARY.

The condition of the Library, as shown in the report of its Trustees, is certainly creditable to the State, and the suggestions made by them for its future improvement are worthy of consideration. I indorse the recommendation that more attention be given to the collection of works relating to California and the Pacific Coast, believing, with the Trustees, that "a State Library should contain every book, pamphlet, magazine, manuscript, and paper that contains anything pertaining to the history of the State." Legislation will be necessary for the better system which is required in the maintenance of our domestic and foreign exchanges. The method best adapted to the purpose is suggested in the report.

#### NATIONAL GUARD OF CALIFORNIA.

The report of the Adjutant General shows that there are in the National Guard at this time: four companies of cavalry, twenty-nine companies of infantry, and two batteries of artillery. Fourteen companies have been disbanded during the past two years. The reported deficiency in the Military Fund should be remedied by appropriation. It is desirable that the militia be armed with improved weapons, and as the State possesses four times the number of stands of muskets there are in use, the care of which is a constant expense, whilst they are rapidly decreasing in value, it is recommended that an Act be passed authorizing the sale of these weapons, or a portion of them, the proceeds to be devoted to the purchase of breech-loading arms.

The great quantity of war material received by California from the United States during the rebellion, wrongfully charged to her account of annual quota of arms due under Act of Congress of eighteen hundred and eight, was, at the last session of the Legislature, the subject of a joint resolution requesting our members of Congress to take action to relieve the State. A bill was introduced in Congress, but failed to pass.

The increased allowances granted to companies under the Code have been generally applied to payment for new uniforms, the purchase of which had become a necessity. Section one thousand nine hundred and fifty-eight of the Political Code permits each company to adopt a distinct name. Like the multifarious uniforms heretofore in use, this is objectionable; the law should require that all companies attached to regiments or battalions be known and designated by letter only.

The increased appropriation for the National Guard made in eighteen hundred and seventy-two, was in conformity with a suggestion made by my predecessor. I confess that at the beginning of my term of office I was of the opinion that expenditures for purposes of the National Guard were among the least useful of those made by the State. I have changed that opinion to the extent of recognizing the value of the National Guard. First—As a moral force to prevent riots in large cities, and a physical force to suppress them should they occur. Second—As a school to train teachers and officers in case the necessities of war should compel the State to organize any considerable portion of her militia for actual service. It is one of the obligations the State owes to the other States to be able to contribute her quota of troops promptly, if it should be called for by the General Government.

#### OUR LAND DEPARTMENT.

The Surveyor General, in his report transmitted herewith, reiterates the suggestion made by his predecessors in office that a final adjudication by the Courts would determine that the United States made no reservation of mineral lands in granting to the State every sixteenth and thirty-sixth section within her borders.

The question is an interesting one, and it is important that it should be decided.

That the General Government should make such a marked departure from its recognized policy of reserving mineral lands, and should concede something more than two million acres to California, in the richest mineral belt yet developed in the world, is not to be assumed too readily; but if a thorough examination establishes the fact, the sooner a clear understanding upon the subject between the General Land Office at Washington and our State authorities is arrived at, the better it will be for the security of mining and land titles. Under our statutes many locations of sixteenth and thirty-sixth sections have already been made in mineral districts, which may in the end prove valid; and it will serve to illustrate the importance of the question to mention the fact that in some instances locators have thus attempted to acquire complete title to valuable mining claims held in adverse possession under general laws.

Legislation looking especially to the sale by the State of the sections in question, would, in my opinion, be premature and likely to cause much confusion and insecurity, and would meet at the outset the opposition of the Department of the Interior, which now assumes to have the final control of this class of lands. The Act of Congress of July ninth, eighteen hundred and seventy, providing for the sale and patenting of placer mining lands, makes no reference in terms to school sections, and the Act of Congress, approved July twenty-third, eighteen hundred and sixty-six, "to quiet land titles in California," the theory of which was to define the rights and properties of the State and the General Government respectively under the various grants, expressly reserves the mineral land to the United States, and refuses to confirm

such sales thereof as the State had made during the preceding sixteen years. It is probable, therefore, that Registers of United States Land Offices would be slow to recognize any title that may possibly vest in the State. The question, too, of how to best secure and protect existing rights in the event of a decision in favor of the State, is a grave and complicated one, and is one that naturally requires the assistance of the authorities at Washington in its determination.

But, whether or not the law is positive in its terms, and whether the grant was made with or without reservations twenty years ago, further unnecessary delay cannot be of service to either the General Government, the State, or citizens interested in knowing the truth; and the subject is commended to your careful consideration.

The various grants made to California having now been mainly disposed of, it is fitting that a brief review be made of their value to our commonwealth. The swamp lands, ceded to the State in trust merely for the purpose of reclamation, never yielded any direct revenue from sales, and never will. Large bodies have been reclaimed, others are being protected from overflow, and the general result has been arrived at that such land is extremely valuable when fairly reclaimed. Much of the report above alluded to is devoted to the subject, and is worthy of attention. In this connection, your attention is directed to the report of the Reclamation Fund Commissioners. The grant of one hundred and fifty thousand acres for an Agricultural College, having been given to the University of California, the management of it has devolved upon the Board of Regents.

The other grants are:

	Acres.
"School Land" .....	500,000
"Seminary Land" .....	46,080
"Public Building Land" .....	6,400

The revenues from all sales of these lands have been devoted by our statutes to the support of the common schools, and the land has all been sold. The following table will show the receipts; it is made from the Controller's books, and embraces those from sales of sixteenth and thirty-sixth sections, and lieu lands also:

# TABLE

*Showing the receipts from sales of State lands.*

YEARS.	GRANT OF FIVE HUNDRED THOUSAND ACRES.		SEMINARY LANDS.		PUBLIC BUILDING LANDS.		GRANT OF SIXTEENTH AND THIRTY-SIXTH SECTIONS.	
	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.	Principal.	Interest.
To June 30th, 1858 .....	\$184,406 41	\$3,590 56	.....	.....	.....	.....	.....	.....
To June 30th, 1859 .....	44,745 78	18,461 03	.....	.....	.....	.....	.....	.....
To June 30th, 1860 .....	18,368 38	28,401 14	\$911 90	\$418 16	\$54 82	.....	.....	.....
To June 30th, 1861 .....	8,686 62	25,725 62	1,988 97	2,745 96	140 01	\$251 98	.....	.....
To June 30th, 1862 .....	28,234 83	25,034 98	194 00	341 57	.....	94 59	\$1,160 75	\$746 22
To June 30th, 1863 .....	49,861 17	41,307 74	1,770 42	895 02	201 44	81 04	223 10	328 89
To June 30th, 1864 .....	38,605 69	33,915 45	697 60	3,615 92	.....	189 64	13,424 40	8,884 34
To June 30th, 1865 .....	7,933 57	11,853 70	1,001 60	1,719 97	.....	139 62	5,536 67	10,866 29
To June 30th, 1866 .....	20,013 78	22,967 58	2,214 08	1,497 57	.....	358 05	9,906 88	6,599 30
To June 30th, 1867 .....	7,122 79	21,824 28	1,643 52	1,487 17	.....	122 89	8,702 22	10,750 31
To June 30th, 1868 .....	21,771 82	18,425 30	2,184 23	1,464 10	15 36	122 96	28,917 86	12,518 81
To June 30th, 1869 .....	87,853 14	40,955 57	7,293 82	3,054 96	949 12	303 55	95,509 50	53,480 63
To June 30th, 1870 .....	16,639 48	27,728 65	14,197 72	2,464 13	2,145 01	581 80	143,338 35	76,265 68
To June 30th, 1871 .....	15,679 66	11,189 37	4,772 97	1,114 67	158 40	8 17	84,926 30	56,342 94
To June 30th, 1872 .....	16,883 67	14,011 06	1,896 27	970 62	.....	.....	83,028 83	51,636 40
To June 30th, 1873 .....	18,784 74	12,418 75	2,300 75	117 39	171 94	827 34	154,937 87	87,701 98
Totals .....	\$821,214 33	\$357,840 79	\$43,067 85	\$21,308 16	\$3,838 63	\$2,980 58	\$629,611 82	\$377,521 79

## RECAPITULATION.

	Principal.	Interest.
Grant of five hundred thousand acres .....	\$821,214 33	\$357,840 79
Grant of sixteenth and thirty-sixth sections .....	629,611 82	377,521 79
Grant of seminary land .....	43,067 85	21,308 16
Grant of public building land .....	3,838 63	2,980 58
Totals .....	\$1,497,732 63	\$759,651 32
Principal .....		\$1,497,732 63
Interest .....		759,651 32
Total .....		\$2,257,383 95

Deducting from this total of two million two hundred and fifty-seven thousand three hundred and eighty-three dollars and ninety-five cents the forty-eight thousand seven hundred and twenty-four dollars and eighty-nine cents returned to purchasers, and estimating the cost of annulling titles at ten thousand dollars, the total receipts are shown to be two million one hundred and ninety-eight thousand six hundred and fifty-nine dollars and six cents, and as a practical result, seven hundred and eighty-one thousand one hundred and fifty-nine dollars and six cents has been apportioned during the several years to the different counties for the support of schools, the State Treasurer holds in trust for the School Fund bonds to the amount of one million four hundred and seventeen thousand five hundred dollars, producing an annual income of eighty-seven thousand five hundred and sixty dollars, and there remains due to the State an unpaid principal of one million eleven thousand two hundred and eighty-seven dollars, drawing an annual interest of one hundred and one thousand one hundred and twenty-eight dollars and seventy cents. To attain this result, the State has expended two hundred and fifty-four thousand three hundred and sixty-nine dollars and thirty-two cents in the maintenance of her Land Department.

The Surveyor General recommends the repeal of the law establishing a land agent of the State at Washington. There seems no reason for assuming that the General Land Office needs a special envoy to urge it forward in the performance of routine work, and the fact that the Land Agent has been paid twenty-eight thousand five hundred and sixty-eight dollars and seventy cents from the State Treasury for his three years' work, is a good reason for the repeal of the law.

The law enacted in eighteen hundred and sixty-eight, repealing all previous statutes relating to the sale and management of State lands, has been harshly criticised by persons competent to judge and honest in their opinions. Illegitimate speculation and monopoly were invited by its terms, and its machinery, if not designed for such a purpose, was at least successfully used to enable men, by the use of some capital and much activity, to intervene between the State and her bona fide settlers. It is a bad land policy that makes it possible for speculation in the domain of the State to be reduced to a system, and that permits any schemer who fancies the employment to obtain legal control of vast tracts which the State cannot force him either to pay for or relinquish

to those who would. Such has been the operation of the Act of eighteen hundred and sixty-eight. The fault lies in the law. It is natural that speculators should avail themselves of advantages deliberately offered by the State. The Code, taking effect January first, eighteen hundred and seventy-three, and placing a limit upon the individual power to theoretically purchase and actually control school land, went far towards preventing further evil than had already been done. To remedy that which might not otherwise be reached, I recommend the passage of a law requiring payment in full within one year of all principal and interest due to the State for sixteenth and thirty-sixth sections, or lands in lieu thereof; and indorse the recommendation of the Surveyor General, that in the future, sales of such lands be made for cash only. There can be no injustice in requiring full payment within a year, for the lands were sold subject to that contingency; and unless such provision be made, it would be bad legislation, in my opinion, to provide for the cash sales. The amount of principal due upon this class of lands is eight hundred and seventy thousand five hundred and fifty-four dollars. No further sales of "lieu lands" should be permitted. They are exhausted, apparently, and a cessation of possible sales will enable the State to protect many purchasers whose titles are jeopardized through conflicts, double selections, and from other causes.

Under the policy pursued by the State up to eighteen hundred and sixty-eight, the State Treasury was the banking medium for the reclamation of swamp lands, and the State exercised those duties of direct management which the various counties have since been charged with. Sixty-six Swamp Land Districts were created, and separate Funds established in the Treasury for their reclamation. Upon the theory that every acre in each district, sold and unsold, would produce one dollar of revenue for reclamation purposes, the Controller was authorized and directed by law to issue his warrants accordingly, drawn against the respective Funds named. So long as the State retained the management, these warrants naturally returned to the State Treasury, and were properly canceled; but since the Controller certified the districts over to the counties none of those which then remained outstanding have been canceled by the State. Many of them have been finally deposited with County Treasurers, but no check exists in the system to prevent their accidental or otherwise repeated use, and the fact that they are warrants against our State Treasury suggests the propriety of guarding the State's interest in the matter.

The total amount of these warrants issued is.....	\$344,015 32
Amount redeemed. ....	391,126 14
Amount outstanding.....●.....	\$152,889 18

#### DISTRIBUTION OF LANDS.

Of the one hundred and twenty million acres contained in the area of this State, twenty millions four hundred and sixty-six thousand eight hundred and six are held in private ownership, outside of towns and cities. Of this twenty million four hundred and sixty six thousand

eight hundred and six acres, twenty-seven thousand nine hundred and ninety-six tracts are held by owners in tracts varying from one hundred acres to three hundred and thirty-four thousand one hundred acres; one hundred and twenty-two owners possess five million three hundred and forty-seven thousand four hundred and sixty-four acres in tracts of from twenty thousand to three hundred and thirty-four thousand one hundred acres; one hundred and fifty owners possess two million and ninety-eight thousand four hundred and seventy-five acres in tracts of between ten thousand acres and twenty thousand acres; two hundred and thirty-one owners possess one million six hundred and three thousand four hundred and fifty-eight acres in tracts of between five thousand and ten thousand acres; one thousand eight hundred and sixty owners possess three million seven hundred and forty-four thousand five hundred and thirty-seven acres in tracts of between one thousand and five thousand acres; two thousand three hundred and eighty-three owners possess one million nine hundred and sixty-one thousand two hundred and nine acres in tracts of between five hundred and one thousand acres; twenty-three thousand two hundred and fifty owners possess five millions seven hundred and eleven thousand six hundred and sixty-three acres in tracts of from one hundred to five hundred acres.

This statement approximates but does not show exactly the distribution of the lands which are held in tracts of one hundred acres and over, as the large landholders not unfrequently own lands in different counties, which, of course, are assessed as different tracts.

It would be useless to discuss here the abstract theory of ownership in the soil, or the correctness of the principles upon which it is based. The right has been so long recognized and protected by law, is so much the growth of history and so intimate a part of our social system, that it is a question of great difficulty and delicacy to legislate properly for the correction of the evils which have grown out of its exercise, without disturbing that security of property which is recognized as an essential factor in our civilization. It would be futile, also, to advert at length to the causes—such as the Mexican land grants with which the acquisition of California was incumbered, the apparent necessity of holding swamp lands in large bodies for purposes of reclamation, and the past mistakes of the State and General Governments in the sale and donations of land—which have rendered possible so great a consolidation of landed interests. These are beyond remedy. Some amendments have been suggested to our State laws, but the State has already sold nearly all her lands of value. Making due allowance for the suggestion of the State Board of Equalization, that a considerable portion of the land held in large bodies is devoted to grazing, and unfit for any other purpose, and recognizing the fact that the necessary effect of the increased application of labor-saving machinery to agriculture is to increase the size of farms in actual cultivation, it still remains true that a large portion of the lands of California are held “on speculation,” for the advance in value, to the detriment of the growth and prosperity of the State, and in contravention of the “natural right of every one born on the earth to so much of its soil as is necessary to his subsistence.”

To admit that this is the result of custom, sanctioned by society and recognized by law, is only to transfer the responsibility of the wrong done from individuals to the system.



## DISTRIBUTION OF VALUES.

The values of land are distributed between the towns and cities and the country, as follows:

Town and city lots.....	\$162,887,859 00
Lands in the country.....	152,128,004 00
Total.....	\$315,015,863 00
Improvements on town and city lots.....	\$64,814,343 00
Improvements on lands.....	29,256,030 00
Total.....	\$94,070,373 00
The value of personal property is.....	\$118,117,746 00
Total valuation of property.....	\$527,203,982 00

It will be seen from the above exhibit, that for the current year about three fifths of the property tax will be collected from lands. If the whole tax were levied upon lands, the rate would be increased two thirds—from fifty to eighty-three and one third cents per hundred dollars, and, in round numbers, sixty-five million dollars of improvements in towns and cities, twenty nine million dollars of improvements in the country, and one hundred and eighteen million dollars of personal property would be released from taxation. I have no data from which to determine the exact distribution of personal property as between towns and cities and the country, but the statement in the report of the Controller that live stock for the current year was assessed at thirty-four million four hundred and one thousand three hundred and sixty-six dollars, merchandise at thirty-one million seven hundred and thirty-two thousand eight hundred and seventy-one dollars, and all other personal property (aside from money and solvent debts) at thirty-nine million seven hundred and ninety-four thousand four hundred and seventy dollars, would make approximately correct the deduction that the division is about the same as of land values, and nearly equal. This refers to assessed values—not real.

## CORPORATION TAXES.

The report of the Controller shows that banking corporations in the City of San Francisco, with an aggregate capital stock (all of par value in the market) of eleven million four hundred and ninety thousand dollars, are assessed upon three million two hundred and nine thousand dollars; water and gas companies, with stock worth in the market ten million six hundred and eighty thousand dollars, are assessed upon one million seven hundred and fifty-five thousand dollars; and that all the home and foreign life, fire, and marine insurance companies are assessed upon property and pay taxes upon seven hundred and eighty-seven

thousand five hundred and eight dollars. There were in eighteen hundred and seventy-two eight hundred and fifty miles of railroads in the State, assessed in the aggregate, including rolling stock, lands, and improvements, at twelve million three hundred thousand dollars, and of this, the collection upon four million nine hundred and eighty-nine thousand five hundred and twelve dollars—the assessed value of two hundred and sixty-five and fifty one hundredths miles and the apportioned rolling stock—has to this time been successfully resisted in the Courts by the Central Pacific Railroad Company. As cause for resisting the payment of this sixty-three thousand four hundred and ninety-nine dollars of taxes, it is claimed by the railroad company that the divisions of the road and rolling stock lying in the Counties of Nevada, Placer, Sacramento, San Joaquin, Alameda, and Santa Clara, are not subject to taxation in this State, for the alleged reason that the Federal Government has an interest in the property arising out of the subsidies granted in aid of its construction.

#### DEDUCTIONS IN REFERENCE TO TAXATION.

I am of the opinion that if taxes were levied for State purposes only upon lands and upon such corporations as enjoy special franchises and exercise the right of eminent domain, the only parties who would pay more than they now do, would be corporations and the owners of unimproved lands and unimproved town and city lots. Under an assessment of lands and lots alone, this year, all persons whose improvements and personal property were more than two fifths of their entire possessions, would pay less taxes for State purposes than now, and the tax upon franchises would probably reduce this proportion from two fifths to one quarter, that is, if the value of lands belonging to any one man was not more than four times the combined values of his improvements and personal property, his State taxes would not be increased. The proportion for county purposes would vary with the distribution of property in each county. A distinguished American writer upon Political Economy, after collating a great many facts, lays down the general rule as approximately correct, that in towns and cities the values of personal property and improvements will be equal to the value of the lots. In England, which has become the world's banking house and commercial center, where there is a greater accumulation of money, bonds, and personal property than anywhere else in the same area, it is estimated that the value of all these—including railroads—is to the value of the lands as sixty to forty.

It has recently been decided, by the Supreme Court of the United States, that a State tax upon the gross receipts of a railroad, was not in conflict with that provision of the Constitution which gives Congress the power to regulate commerce, and under the difficulties of ascertaining the value of a railroad in sections by County Assessors, that is, perhaps, the most feasible manner of deriving a revenue from that species of property—the State distributing amongst the counties through which the road passes the proportions to which they are entitled.

Many of the Eastern States derive a large portion of their revenues from corporation taxes. Here, it seems to be one of the immunities of corporations to escape taxation, while the theory is maintained that all property shall be taxed in proportion to its value.

Fully aware that no change can be made in this theory, and impressed with the belief that none can be made in its imperfect application,

except under an amendment to the Constitution, I respectfully present the subject for your consideration.

I have no knowledge that the data afforded by the report of the State Board of Equalization have been before collated with a view to show the probable practical working, in the collection of the revenues of this State, of a scheme of taxation which earnestly engages the attention of political economists, and which has for its object the collection of State revenues from franchises granted by the State and from that portion of the value in lands which is not conferred by labor, but by the general progress of society. Imperfect as the deductions are, and they are submitted with the more diffidence because untried, I trust they will be at least sufficient to elicit valuable discussion.

#### STOCKTON INSANE ASYLUM.

Among the charitable institutions of the State, one of the most important, on account of its magnitude and necessary cost of support, is the Insane Asylum, at Stockton. A full account of its operations during the past two years, and of its present condition, is given in the biennial reports of its officers. It contains one thousand one hundred and fifty-six patients. These have been maintained during the two years at an average cost of forty-five cents a day for each patient. This includes the salaries of physicians, wages of employes, and every expense payable out of the appropriation for the support of the Asylum. It is a little below the average cost in former years, and probably it would not be safe to estimate for its future on a basis of less than fifty cents a day.

It will be observed, by the Superintendent's report, that the new wing to the building occupied by the females, authorized to be built by the Act of March twenty-seventh, eighteen hundred and seventy-two, is far advanced in construction, and will soon be completed. In this connection, it is gratifying to remark that the appropriations for this institution have been sufficient to pay the expenditures they were designed to meet, and that the too common necessity of applying for deficiency appropriations has not been the result of the present management.

The male department of the institution has long been excessively crowded, and its condition in this respect is growing more and more oppressive. Sentiments of humanity will suggest to you the necessity of hastening the provision for its relief. The accumulation of the chronic insane in California, forms no exception to the experience of other States, other than in the mode of their care. With the commencement of its existence the State undertook to provide accommodations for all its insane. It has steadily pursued this liberal policy. It has recognized no such obstacle to admission to its Asylum as a want of room. Hence, the chronic and incurables have been accumulating there for more than twenty years, while its doors have always stood open to receive the newly committed. Every kind of mental disorder is congregated there. Idiotic and feeble minded persons are unknown as State charges, except as they are found in the State Insane Asylum, classed as insane. The chief cause, however, of the great number of patients in this Asylum is the retention for life of the chronic and incurables. In many similar institutions in the Eastern States it has been the custom, so far as it was found necessary, to return this class to the counties whence they were sent, or to their friends. This mode of relieving the State Asylum, instead of being put in operation here, seems to

have been reversed; and the county hospitals, or infirmaries, are themselves relieved by sending inmates whose minds have succumbed to the effects of protracted, incurable physical disease, to the State Insane Asylum, where they become life residents. The whole burden thus borne by the State at a single point is most sensibly felt. To exhibit a different condition of things, I may state the fact that the Philadelphia Almshouse contains nearly nine hundred insane persons, which is about one third more than are provided for in any of the Pennsylvania State Hospitals for the insane.

The custom of giving publicity to nearly all the cases sent to the State Asylum, and the numerical magnitude of that institution, have the tendency to give an exaggerated idea of the prevalence of insanity in California. The ratio of our insane is very nearly one to every five hundred of the general population. This proportion is exceeded in at least one of the older States—the only one wherein a full and accurate enumeration of its insane has been had. Nearly twenty years ago there was “one lunatic among every four hundred and twenty-seven, and one idiot among every one thousand and thirty-four, and one among either of these classes in every three hundred and two of the people of Massachusetts.” At that time, there were two thousand six hundred and thirty-two insane persons in Massachusetts, exclusive of idiots, and two thousand and eighteen of them were classed as incurables, while one thousand four hundred and ninety-one were “at their homes, in town or city Poor Houses or Houses of Correction, Jails, or State Almshouses.” Since then, one State Hospital for the Insane has been built in Massachusetts, of a capacity for four hundred patients. But the problem whether the State will ever be able to support all its chronic and incurable insane, in such expensive edifices, remains unsolved.

The only special appropriation asked for the Stockton Asylum, is one for the purchase of ground for a cemetery outside the present inclosure; this seems to be needed. Your attention is particularly invited to that portion of the Superintendent's report which treats of the care of insane convicts.

The management of an institution containing so large a number of insane persons as the Stockton Asylum, requires executive and professional ability of the highest order, and it gives me pleasure to say that these demands have been met in a manner worthy of this noble and beneficent charity.

#### NAPA INSANE ASYLUM.

Under the provisions of the Act of March twenty-seventh, eighteen hundred and seventy-two, to establish a new Asylum for the Insane, the Commissioners to select the site filed their report August fifth, eighteen hundred and seventy-two, and upon receiving the opinion of the Secretary of the State Board of Health, the report was approved on the twelfth of the same month.

These able documents, and the reports of the Directors of the Napa State Asylum for the Insane, are herewith transmitted. Work was commenced in March, eighteen hundred and seventy-three, and the foundations of the institution are now laid and completed. The plan adopted is upon an estimated cost of six hundred thousand dollars; this is less than the average cost of similar buildings in the State of New York. It is important that the work should be pushed to completion without delay, in order to afford the relief so clearly necessary to the Asylum at Stockton.

## STATE CAPITOL.

During the past two years a great deal of work has been done upon the building, which is now virtually completed, so far as construction is concerned; the adorning and finishing remains incomplete, though well advanced. The report of the Capitol Commissioners shows that three hundred and thirty-eight thousand and ninety dollars and sixty-four cents has been expended since January first, eighteen hundred and seventy-two, making the total cost of the building and the improved grounds, to November first, eighteen hundred and seventy-three, two million three hundred and seventy-one thousand and forty-two dollars and thirty-eight cents. In addition to this, one hundred thousand dollars has been paid for the additional grounds directed to be purchased by the Nineteenth Legislature, and the Executive Mansion has cost sixty-six thousand seven hundred and eighteen dollars and sixty-two cents. About twenty thousand dollars remains due on contracts, and the Architect's estimate for materials and labor necessary to fully finish the building and grounds is one hundred and sixteen thousand dollars. A large proportion of expenditures recently made was for grading and ornamenting the grounds, which are so fully competent to express for themselves their value and beauty that no comment is necessary. A perfect title has been obtained to the additional grounds referred to. Any appropriation which may be made for their improvement, should be void of any restrictions which might tend to prevent the Commissioners from using it to the fullest advantage of the State. In some instances the power to make contracts would avoid an expense that the obligation to work by the day's labor would entail. I indorse the recommendation of the Commissioners relating to the creation of permanent positions for designated employes about the building. The services of those which are named will always be necessary to the care of the Capitol.

The Executive Mansion should be completed or otherwise provided for. It costs the State a disproportionate sum to simply take care of it in its present condition.

## ASYLUM FOR THE DEAF AND DUMB, AND THE BLIND.

The biennial report of the Trustees and Principal of this institution is able and interesting, not only exhibiting the condition of the Asylum, but discussing with intelligence and accuracy the mental disabilities of the unfortunate classes for whom it is provided, and the best methods for their care and education.

The Asylum is free from debt, the appropriation made by the last Legislature having proven sufficient for current expenses.

In addition to the appropriation for current expenses, one of eight thousand dollars is asked for to complete the entrance front, and for improvement of grounds.

On July first, eighteen hundred and seventy-three, there were ninety-three pupils in the Institution. I indorse the recommendation of the Principal that the law be so amended as to require the State to furnish clothing for indigent pupils only. A valuable bequest was made to the Institution by the late Mr. R. W. Durham, of Butte County. The distribution of the estate not having been made, the amount is not yet ascertained.

In the early part of this year charges were made by some of the blind pupils reflecting upon the management of the Institution. The Board of Trustees promptly instituted an investigation. "The majority of the Board, after examining into the matter, found these charges were without foundation, and came to the conclusion that the children and more elderly pupils, incited by improper influences, had magnified the smallest grievances into great wrongs." After this investigation accusations of a still more serious nature were published, and at the request of the Principal, I requested a committee, consisting of Hon. E. W. McKinstry, J. B. Harmon, Esq., Rev. A. L. Stone, A. S. Hallidie, Esq., and Hon. N. W. Spaulding, to make a public investigation of the management of the Institution, and of all charges which might be preferred.

After a patient and thorough investigation, lasting more than three weeks, these gentlemen made their report to me, vindicating the moral character of the Principal, and indorsing his ability as a teacher and administrator. The acceptance of this trust by the gentlemen named, and the careful and able manner in which it was discharged, deserve this recognition of thanks from me, and from the Legislature a fair compensation for services rendered. I congratulate the people of the State that the usefulness of the Institution has been increased rather than impaired by the severe ordeal through which it has passed.

#### OUR UNIVERSITY.

The University of California took possession of its permanent site at Berkeley July sixteenth, eighteen hundred and seventy-three; and instructions in literary and scientific studies are now given there. The two buildings provided by the State have been completed, and their suitable equipment is now in progress. The number of instructors there employed is eighteen, and the number of students enrolled at the beginning of the present College year was one hundred and ninety-nine, of whom thirty-two are ladies. Instruction of a high order is given in literary and historical studies, and in science, with special reference to the agriculture, the mines, and the engineering works of the State. A system of manual labor has been inaugurated. Many generous gifts have been received from individuals. Steps have been taken for the organization of a Department of Medicine. The Board of Regents have been fortunate in securing the services of Mr. D. C. Gilman as President, and it gives me great satisfaction that I believe the University will speedily take rank among the best in the United States, be an unfailing source of good, and an object of just State pride.

#### PUBLIC INSTRUCTION.

The able report of the Superintendent of Public Instruction is devoted to the discussion of three important topics concerning the common school system of the State, viz: Compulsory education; the need of trained teachers; and the support of our common schools.

#### COMPULSORY EDUCATION.

The statistics given show the attendance at the public and private schools, and the non-attendance and truancy of census children, for a period of eight years. In eighteen hundred and seventy-three there were on the census roll one hundred and forty-one thousand six

hundred and ten children. Of this number, twelve thousand five hundred and seven attended private schools, and ninety-seven thousand and eighteen were enrolled in public schools, but only seventy-one thousand one hundred and seventy—or 50.26 per cent of the whole—attended regularly enough to be considered pupils. So large a proportion do not attend any school as to give great weight to the arguments of the Superintendent in favor of a compulsory system.

#### NEED OF TRAINED TEACHERS.

There cannot be a good school without a good teacher. Teaching is a profession in which no one is likely to excel who does not bring to it love of the art, and intention to make it a permanent pursuit. In some European countries, Examining School Boards test applicants, not so much in what they know, as in their ability to impart that knowledge, and to stimulate the desire for learning. Under our system of examination, the certificate given to an applicant is upon the percentage of correct answers to a list of questions; and it has often occurred, that some of the questions are concerning historical facts and dates, or geographical localities, so obscure and unimportant, that no mind other than a memorizing machine would attempt to carry them. The only way to get good teachers, is to employ either those who have trained themselves for teaching, or have been trained for it, and such can be secured only by fair pay and permanent employment.

#### SUPPORT OF COMMON SCHOOLS.

As shown by the carefully prepared tables annexed to the report of the Superintendent, there were one thousand four hundred and sixty-two school districts in eighteen hundred and seventy-three, of which six hundred and thirty-seven maintained an eight months' school; in many districts the appropriations were only sufficient to maintain a school for three months; and one hundred districts—from inability to support a term of three months—were deprived of their "proportion of the interest of the public fund."

The number of census children has increased nine per cent since eighteen hundred and seventy-one; and, as the funds provided by the State have increased only 1.5 per cent, the appropriation has decreased from three dollars and fifty-six cents to three dollars and eighteen cents, to each census child.

The total expenditures for common schools in the State, from June thirtieth, eighteen hundred and seventy-two, to July first, eighteen hundred and seventy-three, was two millions one hundred and thirteen thousand three hundred and fifty-six dollars and twenty-five cents. The funds for school purposes are obtained: First—From the State apportionment. Second—From county apportionments. Third—From district apportionments. It will of course be impossible to devise and carry on in a sparsely settled community so effective a system of schools as can be maintained where population is so dense that every neighborhood can support a school within easy reach of every child. That is one of the disabilities of many sections of our State, for which no legislation can furnish an adequate remedy. Those who live in populous and wealthy portions of the State, have little conception of the burden of local school

taxes in many districts less fortunately situated. In a matter so vital to progress and good government, the strong should help to bear the burdens of the weak, and the State apportionment should be liberal. The expensive machinery of local officers and separate assessment and collection of district taxes, render that resource of little value and questionable utility under the present revenue provisions of our Constitution. Attention is called to that portion of the Superintendent's report which shows the State's apportionment could be made more equitably upon the basis of the districts than upon the number of children. The property of the public schools is estimated at four million dollars, and it is generally in excellent condition.

I am of opinion that the words "white" and "colored" should be stricken from our school law. They are a badge of the past. Every child born on our soil should have an equal inheritance in the institutions of our common country—an equal right to a fair start in the race of life.

#### TRUSTEES OF THE STATE NORMAL SCHOOL.

The reports of the Board of Trustees and of the Principal of the State Normal School show that institution to be now in a prosperous condition. The corps of teachers is satisfactory. Two additional teachers will be needed during the present year. A training school has been organized in connection with the institution, and its advantages are so evident that other classes will soon be added.

The Trustees suggest that the following appropriations will be necessary: To complete the building, twenty-five thousand dollars, for furniture, five thousand dollars; for draining, graveling, and ornamenting the grounds, ten thousand dollars; for apparatus, three thousand dollars; and for annual expenses, twenty thousand dollars.

#### COMMISSIONERS OF THE NORMAL SCHOOL BUILDING.

The Legislature at its last session passed an Act providing for the completion of the State Normal School building, and authorizing the appointment of three Commissioners for that purpose. The Act was approved March twenty-ninth, eighteen hundred and seventy-two, and I appointed J. A. Quimby, T. H. Smex, and Charles Welti. Their report, transmitted herewith, explains in detail every act performed by them in discharging their duties. They carefully examined the old indebtedness, and allowed claims to the amount of eighty-eight thousand five hundred and thirty-eight dollars and one cent. At the time the Commission was organized the building was unfit for occupation, and one of the school houses of the City of San José was used. The city having demanded its possession, the Commissioners were compelled to complete so much of the Normal School building as would permit its occupancy. This was accomplished in about two months, and the sessions of the school have since been regularly held there. The amount appropriated for the two fiscal years—one hundred and fifty thousand dollars—has been expended, the work suspended, and the material left on hand carefully secured and stored. The report gives a full description of the building when taken charge of by the Commissioners, the work done under their administration, and its present condition. The old indebtedness paid amounted to eighty-eight thousand five hundred and thirty-eight dollars and one cent, which, with the sixty-four thousand six hundred and eighty dollars and sixty-four cents paid for new work,



gives a total of expenditures of one hundred and fifty-three thousand two hundred and eighteen dollars and sixty-five cents, and leaves a deficiency of three thousand two hundred and eighteen dollars and sixty-five cents to be provided for.

#### TIDE LAND COMMISSIONERS.

This Board was intrusted with the management of the tide lands belonging to the State by virtue of her sovereignty, lying within a radius of five miles of the boundaries of San Francisco, and with the complete sale of them for the benefit and endowment of the University of California. The work is completed, so far as the surveys and sales are concerned, but the system of partial payments authorized to be established by the statute, makes it necessary that all the records, maps, and documents pertaining to the work be made of constant and easy access in San Francisco, and that the provisions of the law relating to resales of forfeitures be continued in operation. This can be accomplished by devolving the duties of the Board upon designated State officers; abolishing the present Board, saving seven thousand five hundred dollars per annum, and giving the Board designated the power to appoint some one person to take charge of the San Francisco office, and do the necessary clerical work. The law could be effectively and advantageously amended in these respects: resales should be made for cash, and power should be given to the substituted Board to make compromise sales to such owners or possessors as may have actual or equitable titles to disputed tracts. Such amendments will insure the full closing of the entire work at a comparatively early period, and will remove clouds from titles that the State should protect.

The work of the Commission has been an effective one.

The cash receipts have been.....	\$1,002,463 02
Deferred payments amount to.....	481,797 98
Total amount of sales.....	\$1,484,261 00
Expenses of Commission.....	280,396 62
Net proceeds.....	\$1,203,864 38

Should the deferred payments be promptly made, the contemplated generosity of the State will be fully accomplished in eighteen hundred and seventy-six, and there will be in our State Treasury an Endowment Fund producing an annual income to the University of California of fifty thousand dollars.

Especial attention is due to the question of disposing of the tide lands of the State lying contiguous to the reservations made by the General Government in the City of San Francisco. The cession of them to the United States would be an easy solution of possible difficulties, and leave no room for argument upon respective rights, perhaps the use of the Presidio grounds for a public park would be the reciprocal resulting advantage. The matter has been the subject of official correspondence, without definite action, and should be fully disposed of.

## STATE PRISON.

The State Prison is one of the most important subjects in connection with the State Government, and I earnestly commend to your consideration the Report of the Resident Director. The history of the State Prison is not creditable to the State. There has been no settled policy in regard to it. Each administration takes it where its predecessor left it, does the best it can with the very limited facilities afforded, and attempts to make such improvements as its own experience suggests. The treatment of the prisoners is humane; they have a sufficiency of coarse, healthy food, and no greater punishment is inflicted than is deemed essential to maintain discipline. The hygienic condition of the prison is as good as it can be where the prisoners are confined twelve hours in twenty-four in imperfectly ventilated cells and rooms, with an average of not more than one hundred and fifty cubic feet of air to the inmate. That there should be so little sickness, and an average mortality less than that of the State, speaks highly for the healthfulness of the location, and the skill and care of the surgeon. The prisoners who are able are kept employed, when not at work for contractors, about the grounds and buildings. This is all it is possible to say in favor of the management of a prison where three hundred and fifteen convicts are confined in eight rooms, one hundred and ninety-two in forty-eight cells, and one hundred and thirty-two in sixty-six cells, without a possibility of classification. Two things are essential to any further improvement: a separate cell for each prisoner, and a permanent directory. The machinery of Courts and officers employed to convict offenders is expensive, and it is the worst possible economy to send the convict to a school of crime, as is a species of injustice and moral cruelty to the convict, for which no physical humanity can atone. A prison where the young and the old, the hardened and the unfortunate, are huddled together promiscuously is necessarily a school of crime. The science of prison discipline is attracting the attention of many of the ablest living minds. The system which is best for one country, or one State, may not be the best for another. There should be a permanent Board of Control who would make these various systems their careful study, and adopt from each what is best for ours.

The employment of convict labor by contract has been the subject of just criticism. There is no choice between this and idleness, until the prison is placed under the control of a permanent Board by whom the business of the institution could be managed upon a policy fixed for a longer term than four years. The price paid by contractors for convict labor—forty cents per day inside the walls—seems to be much under its value, but no administration has been able to get more. The last advanced the price to fifty cents, but were compelled to recede to forty, or allow the prisoners to be unemployed. The present Board of Directors have made no contracts not terminable upon six months notice, but have received no higher applications from responsible parties, for enough men to justify the enlargement of the shops. Acting upon the policy of keeping prisoners at work, the Directors have made some improvements in necessary buildings for officers, laying out roads, and building reservoirs, but have employed no more free labor than was necessary to direct that of the prisoners. The supply of water at the prison, except in the rainy season, has always been short, and of poor quality. In the Summer much of it had to be hauled long distances, there was no pro-

tection against fire, and there was always a dread of a water famine. The Board, therefore, contracted with the Marin County Water Company for a supply of fifty thousand gallons a day, for the sum of one thousand dollars per month, until December first, eighteen hundred and seventy-five. The sanitary condition of the prison has been much improved by the introduction of water, and the risk of destructive fire has been greatly diminished. For the usual statistics of the prison, I refer you to the Report of the Resident Director, and accompanying Reports of the Clerk and Surgeon, herewith transmitted.

#### BRANCH PRISON.

In the general appropriation bill, passed April first, eighteen hundred and seventy-two, there was an item of one hundred thousand dollars for a Reformatory or Branch State Prison. It was contended that this appropriation, together with an Act approved April twenty-fourth, eighteen hundred and fifty-eight, and an Act approved March thirtieth, eighteen hundred and sixty-eight, required the Board of Directors to construct a Branch State Prison on lands near Folsom, deeded to the State for that purpose by the Natoma Water Company. No part of the appropriation has been expended, the Attorney General giving his opinion that the Board had no authority to draw it.

I am of the opinion that one prison can be more economically managed than two, and can be arranged so as to afford better facilities for classifying prisoners with reference to age, crime, character, and conduct in prison.

#### PARDONS.

No Executive can be exempt from errors of commission and omission in the exercise of the pardoning power. The prerogative involves duties more painful, and graver responsibilities, than any other appertaining to the office of Governor. A Governor cannot refuse to hear any appeal, and there is scarcely a day in his official term upon which he is not called to listen to one or more. The innocent share in the punishment of the guilty, and very often the punishment of friends and families is heavier than that of the criminal. There are no human means of meting out punishment to crime with the exactness of a mathematical equation. The inequality of sentences for the same offense in different Courts, and often in the same Court, at different times, will become apparent to any one called upon to review them. This sense of injustice rankles in the bosom of the convict and emphasizes his war with society. I know of no adequate remedy for these evils, but they should be recognized and discussed. It should not be forgotten that the criminal element in society is as truly representative as the commercial, the professional, the industrial, or religious. There are born thieves as truly as there are born poets, but the great majority of those who are confirmed criminals become so from the accident of early associations—from children of the street they become denizens of the slums, and when not under restraint, are habitual violators of the law. There are others, who commit crime in the violence of passion, under sudden temptation, or the pressure of extreme want, and no one untried knows how far he would be exempt from like frailties, under like circumstances. It is not given to man to accurately determine motives or character, and the standard of punishment is necessarily arbitrary. Judges and juries usually get but a fleeting view of a single scene in the life of the ac-

cused, and though it is very rare that the innocent are convicted, it is equally rare that the measure of guilt is accurately determined. I believe that a commission to hear applications and recommend for pardons would be a valuable adjunct to our criminal jurisprudence, and could greatly assist in equalizing sentences; and that if the Directors and officers of our State Prison were made permanent, something analogous to the ticket-of-leave system could be gradually established, to the great advantage of the State.

#### CAPITAL PUNISHMENT.

During my official term eight men convicted of murder have been executed, two have committed suicide to avoid execution, and there are five now under sentence of death. The right of society for its own protection to affix the death penalty for the highest crimes known to the law is conceded; the policy of its exercise under the present conditions of our civilization is a matter of grave and serious doubt. In the discussions between the advocates of capital punishment and of life imprisonment this only is clear: that the conditions of human society are so variable that it is impossible to determine from any statistics which system has the greater efficacy in preventing crime—the one armed with the terror of death, the other with the greater certainty of punishment. It is fair to suppose, then, there is no decided difference, or it would be made evident. It remains true that the shame, the humiliation, the dark shadow of despair that often falls upon innocent friends, is an inconceivably greater penalty than the snapping of the brittle cord of life. Whether we regret it or rejoice at it, we are not made of as stern stuff as our forefathers, and the infliction of the death penalty is a shock to the moral sense of at least a large minority, and carries through the sensitive nerves of society a thrill of remorseful regret to thousands of tender hearts. Sometimes, too, the awful solemnity of the scaffold is converted into a melodramatic scene, and made the occasion for the exhibition of a sympathy akin to admiration, which exalts the murderer into a hero, and effaces the lesson of his punishment in pity for his fate. We may blame these things, should we not also avoid them?

Executions are required to be private, but, in this age of newspapers, they are faithfully reported to every fireside, and whatever of evil influence there was in public executions before the newspaper age, is necessarily increased in tenfold degree. I am of opinion that the death penalty should be abolished, and some kind of imprisonment, different from that provided for crimes of lower grade than murder, should be devised instead; and that in such cases, the power to pardon should be so circumscribed as to require proof of innocence, before it could be exercised.

#### THE PLEA OF INSANITY.

When any one is acquitted upon trial under indictment, upon ground of insanity, the verdict should state that fact, and the accused should be sentenced to the insane asylum, and not be discharged except through a pardon.

#### SAN FRANCISCO HARBOR.

In November, eighteen hundred and sixty-three, the State took possession of the water front at San Francisco, and has since that date

managed it through her Board of State Harbor Commissioners. The Board has collected two million one hundred and ninety-six thousand and ninety-four dollars and sixty-four cents, and has expended one million nine hundred and twenty-nine thousand three hundred and eighty-two dollars and twenty three cents. The only improvement, of a permanent character, that has been made, is a seawall embankment three thousand two hundred and fifty-two feet in length. The Act authorizing the construction of this bulkhead requires it to be eight thousand three hundred and thirty-seven feet long, but the work was suspended three years ago because the revenues from port charges were insufficient to prosecute the work and to pay current expenses.

In National importance, the port now ranks third in the respect of duties paid on imports, and in other respects ranks equal with any; and as a subject of vital interest to the State, it is entitled to and demands the most serious, deliberate, and laborious attention.

The wharves are constructed of such material and in such a manner that from the moment of their completion there is the certainty that they must be rebuilt, partially within three years, and (excepting a few) wholly within a few years more. The harbor is constantly and persistently shoaling. The sewerage system of the city increases the evil. The water front presents to tidal currents a series of obstructions which produce eddies, and a succession of angular traps for mud and sediment. With an increasing commerce, there is no adequate increase of accommodation, but on the contrary, there is danger of a decrease. The State has expended one hundred and fifteen dollars and thirty-three cents per day since November first, eighteen hundred and sixty-three, for dredging in slips and at docks, levying a tax upon commerce to pay the aggregate of four hundred and one thousand three hundred and sixty-one dollars and ten cents, and the work has simply given temporary accommodation to vessels. It has not been of the least permanent benefit.

The ravages of the *teredo navalis* and the *limnoria terebrans*, destructive marine worms, preying constantly upon wooden piles; the various methods of protecting and preserving submerged wood; the shoaling at the docks; the dredging, repairing, rebuilding, and creating new facilities for commerce; and especially the radical change in the outline of the water front necessary to a system of wharves and docks constructed upon engineering principles, are ably and elaborately discussed in the Report of the State Harbor Commissioners. It is apparent that if the State continues to manage the water front, it would be difficult to devise a plan for the purpose more effective and economical than the present one, honestly administered as it now is; and if the only deductions that can be drawn from ten years experience with it may be accepted as correct, the fact has been demonstrated that in order to create a water front worthy of the important position, and to remove the world-wide stigma of exorbitant port charges in our harbor, the State must resign direct control and management. This is the unavoidable conclusion of the theory of making commerce pay for the harbor improvements. The revenues will suffice to pay current expenses, and to make ordinary repairs, but no genuine advantage will be gained or substantial improvement made, nor will the surplusage of receipts enable the best management to meet the requirements of an annually increasing tonnage.

But one alternative presents itself, and that is the increase, by taxa-

tion of property, of the revenues devoted to the construction and maintenance of wharves, docks, and piers.

Without discussing the question or considering here whether such a tax were most appropriately laid on the property throughout the State or on that in San Francisco alone. I recommend the latter, and in my opinion the City of San Francisco should be vested with entire charge of the water front, under carefully devised and well considered restrictions, and under a statutory scheme that will eventually result in a free port, and in establishing shipping facilities in our harbor that shall be second to none in the world. Ship and car should be given all possible facilities for coming together; and as the waters are open to all ships, so should the railroad tracks along the piers be open to all the cars, of all companies, forever.

#### STATE HARBOR COMMISSIONERS.

In October, eighteen hundred and seventy-two, I was informed that frauds were being perpetrated in the execution of the trust committed to the Board of State Harbor Commissioners. My information and the sustaining proof was of such character that I decided to immediately investigate the matter fully. An expert was appointed to examine and analyze all matters of record, who entered upon the task at once and placed his report in my hands on the thirteenth of January, eighteen hundred and seventy-three. The report is transmitted as part of the appendix to this message. Early in January, eighteen hundred and seventy-three, and before the completion of the report alluded to, suits were commenced in the Nineteenth District Court to remove Commissioners John J. Marks and Jasper O'Farrell from office. It is unnecessary to reite the history of the litigation, which was conducted on behalf of the State ably and energetically, and finally terminated by reason of the resignation of Commissioner Marks on the twenty-first of February, and the resignation of Commissioner O'Farrell on the fourth of March, eighteen hundred and seventy-three.

As the result of the administration of affairs by a different Board, the receipts have increased about two hundred and forty dollars a day. The following table will show the comparative receipts during six corresponding months under the old Board and the new:

1872.			
May .....	Amount remitted State Treasurer.....		\$1,711 02
June .....	Amount remitted State Treasurer.....		1 760 06
July .....	Amount remitted State Treasurer.....		5,681 53
August .....	Amount remitted State Treasurer.....		4,684 69
September .....	Amount remitted State Treasurer.....		2,805 20
October .....	Amount remitted State Treasurer.....		6,248 43
1873.			\$22,590 98
May.....	Amount remitted State Treasurer.....	\$7,692 50	
June .....	Amount remitted State Treasurer.....	9,518 44	
July .....	Amount remitted State Treasurer.....	9,268 53	
August.....	Amount remitted State Treasurer.....	11,601 98	
September .....	Amount remitted State Treasurer.....	13,364 45	
October.....	Amount remitted State Treasurer.....	15,148 53	
			\$66,594 43
Increase of 1873 over 1872.....			\$43,703 50

## STATE INSURANCE COMMISSIONER.

The result of an experience of nearly six years proves the wisdom of our legislative enactments relating to insurance. With the exception of some minor provisions in the law, concerning which you are respectfully referred to the report of the Commissioner, there are no defects apparent in the system, which protects alike the insurer and the insured, and constitutes a complete method of supervision by the State without undue official interference, free from discriminating exactions or prohibitory ones, but perfect enough to compel actual security and financial soundness.

There are forty six fire and marine, and twenty-eight life and accident insurance companies doing business in this State.

## GEOLOGICAL SURVEY.

In establishing and continuing this work, the State has appropriated two hundred and forty-six thousand six hundred dollars, and the State Geologist now reports one hundred thousand dollars as the minimum appropriation adequate to the publication of the works in hand.

Admitting and regretting my own want of technical knowledge of the various subjects in connection with the geological survey, I think that the reasonable expectations of the people of the State, founded in great degree upon the reports and assurances of the State Geologist, have not been fulfilled by the results accomplished.

Early in February, eighteen hundred and seventy-two, for the purpose of obtaining definite information concerning work proposed to be done, I addressed a letter to the State Geologist. The reply, dated February twelfth, eighteen hundred and seventy-two, stated that the volumes of ornithology, botany, conchology, and possibly palaeontology, would probably be in the publisher's hands within a year. By his report, transmitted herewith, it will be seen that, notwithstanding the lapse of nearly two years, and the expenditure of thirty-four thousand dollars, no new maps have been published which were not exhibited in proof sheets in eighteen hundred and seventy-one, and no new volumes have been published, nor have any been sent to the printer, except a portion of that on botany, "which will be in type, if no unexpected delay occurs, before the end of eighteen hundred and seventy-four."

The present condition of the survey is, that there have been published one volume of geology, two volumes of palaeontology, one volume of ornithology, the Yosemite books, map of the vicinity of the Bay of San Francisco, map of the Sierra Nevada adjacent to the Yosemite, map of the Yosemite Valley, and a portion of the map of Central California, and that there is a large quantity of work in various stages of preparation.

The operations during the past two years, as shown by the report, have been confined to trips to Yosemite, Alpine, and Calaveras Counties, the earthquake region in Inyo County, and a geological excursion from San Diego to Los Angeles.

Work was also done on that particular geology of the San Francisco Bay map, the immediate publication of which was promised eleven years ago. No other geological work was done; nothing in the mining

districts. It cannot be doubted that in authorizing the commencement of this scientific work, the Legislature contemplated that within a reasonable period of time, there would be published, and made accessible to all, one or more volumes of Economical Geology, embracing the mines and useful minerals of California, with abundant geological and mining maps and illustrations, and containing useful generalizations touching the several branches of what was then our leading and peculiar industry, together with important delineations of the gravel mines and ancient rivers. No such books or maps have been published, and, so far as the survey is concerned, the world is yet in ignorance of the geological features of the mining region on the western slope of the Sierra Nevada, excepting such information as can be gleaned from the generalizations and scientific descriptions contained in the one volume of geology published. A scientific description, and the accurate geological mapping of the auriferous area bounded by the Stanislaus River, Spanish Peak, in Plumas County, the Sacramento River, and the Summit of the Sierra, would be of greater service to us than all that has been accomplished and made public, though, perhaps, less tributary to a wide renown. The topographical maps are beautifully executed, exhibiting original and compiled work of great value; but no maps have been published showing elevation of areas, and there is nothing in the books, maps, or reports, unless incidentally, that will assist to solve the great problems of drainage, irrigation, or reclamation—problems so purely dependent upon the aid of science of the exact nature invoked by the State in this survey.

I am well aware that the published volumes are entitled to and have obtained the high appreciation and commendation of scientific institutions in the Old World and in the Eastern States. but I do not believe that it has been, or now is, the deliberate policy of the State to place her own best interests last in any scheme, however comprehensive, for the advancement of abstract science.

There are now in preparation, and it is contemplated to eventually publish, the following volumes, together with numerous maps. Physical Geography, General Geology, Economical Geology, Ornithology, Botany, Palæontology, Fossil Plants, Ichthyology, Conchology; and an Atlas Folio.

I recommend the appointment of a committee, whose duty it shall be to examine and ascertain the exact condition of all of these, to determine what shall be published, and when and how such publication shall be made, and to discover the amount necessary to be appropriated, in order to prevent loss to the State of work already done. And, I am of opinion that if the Geological Survey were connected with the University of California and made a part of its work, the best possible results could be secured, both from the materials on hand and those yet to be accumulated.

#### YOSEMITE VALLEY.

The whole of this interesting subject is presented in the report of the "Commissioners to manage the Yosemite Valley, and the Mariposa Big Tree Grove." Little has been done by the State in fulfillment of the obligation she imposed upon herself by accepting the grant made by Congress—four thousand dollars, only, having been devoted to the trust during the nine years which have elapsed. By decisions of our Supreme



Court, as well as that of the United States, the ample power and authority of the Commissioners within the limits of the grant has been established, and there remains to do the one thing always requisite to be done when good results are expected or demanded—the appropriation of funds commensurate to the required results. It is within the scope of the plan of the Commissioners to treat the entire grant from the best standpoints of engineering ability; to preserve and enhance its wonders and its beauties, to protect its natural grandeur; to prevent despoliation; to render it easy of access, and readily explored in all of its divisions, and to guard against the possible establishment of any systematic annoyance to visitors, or exactions from travelers. For these purposes, they recommend an appropriation of ten thousand dollars, the appointment of a commission to determine the equities in cases of actual residents and theoretical trespassers; and the payment of claims found to be just. The report gives information in detail concerning the wagon road now being constructed under an agreement now on file in this office. Without making any recommendations, I desire to call your attention to the subject as one that requires especial and thorough consideration.

#### STATE PRINTING.

An Act approved March twentieth, eighteen hundred and seventy-two, created the office of Superintendent of State Printing, abolished the office of State Printer after the expiration of the term of the present incumbent, and made an appropriation for a lot, building, and materials for a State Printing Office. As by the terms of the Act it does not take effect until July, eighteen hundred and seventy-five, the appropriation, under the Constitutional limitation, will lapse before it can be used, and should be renewed.

In connection with this subject, I desire to suggest the propriety of delegating to the State Board of Examiners the power and duty to determine what shall and what shall not be printed and bound with the appendices to the legislative Journals. Intelligent scrutiny will establish the fact that documents are so printed which have no value as published archives, but are a useless expense.

#### PUBLISHING LAWS IN SPANISH.

An amendment to Article eleven, Section twenty one, of the Constitution, was proposed by the last Legislature, and I trust will receive the favorable consideration of this, which will obviate the necessity of publishing the laws in Spanish. The cost of translating and publishing in Spanish the laws of the last session amounted to nine thousand dollars.

#### OUR CODE OF LAWS.

In providing for the publication of the Codes adopted by the Legislature in eighteen hundred and seventy-one and eighteen hundred and seventy-two, provision was also made for collating, arranging, and publishing the statutes continued in force. Both of these important trusts were discharged with fidelity and ability by the Commissioners. The great labor of comparison, research, and writing incident and necessary to fully complete the task assigned to them, and the unavoidable expenses which no appropriation was made to meet, is clearly explained

in their report. The recognition and payment of this indebtedness would be simply just.

All of the Justices of the Supreme Court having united in a suggestion that I should appoint a Commission to examine the Codes and to prepare such amendments as seem to be necessary, a Commission, consisting of Honorable Stephen J. Field, Honorable Jackson Temple, and Honorable John W. Dwinelle, was organized on June twenty-first, eighteen hundred and seventy-three. The trust has been discharged in a manner worthy the distinguished ability of the gentlemen to whom it was committed. Drafts of bills amendatory of each of the Codes have been prepared and will be submitted to you.

The Commissioners speak in the highest terms of the Codes enacted, as "perfect in their analysis, admirable in their order and arrangement, and furnishing a complete Code of Laws; the first time, we believe, that such a result has been achieved by any portion of the Anglo-Saxon or British races."

Very much of the criticism to which the Codes have been subjected was due in fact to the law before it was codified, whose defects became apparent when the provisions relating to the same subject were collected under one head. The attention of the Commission has been particularly directed to remedying these defects, and to harmonizing such conflicting provisions as were inevitable in preparing so great a work in so short a time.

#### SAN FRANCISCO LEGISLATION.

Very much of the time of the Legislature, for many years, has been taken up in the consideration of measures of a purely municipal character, relating to San Francisco. Bills are introduced for opening and grading streets, for constructing public buildings, parks, drains, and sewers in the city, allowing claims against it, and making appropriations from the City Treasury. The Legislature is often compelled to pass upon measures, in the hurry of the last days of the session, involving large outlays, and about which an intelligent opinion cannot be formed except upon personal investigation, aided by engineering skill. The necessity for this arises from the restrictions imposed upon the city and county government. They should be removed, and necessary powers conferred upon a well organized local government. The whole theory of our institutions rests upon the principle of local government for local affairs.

#### TOO MUCH LEGISLATION.

The Acts of the last Legislature make a volume of over a thousand pages. There were six hundred and thirty-seven Acts passed, of which only one hundred and fifty-two were of a general character, many of the latter pertaining to matters of merely necessary routine, such as appropriations for payment of legislative expenses, etc. There were thirty-six concerning roads and highways; thirty-one in regard to the incorporation of towns and cities, thirteen authorizing School Trustees to purchase school property; thirteen to provide for the erection of county buildings; thirteen authorizing Supervisors to pay claims, thirteen for construction and maintenance of bridges, twelve authorizing Supervisors to levy special taxes; five to prevent animals running at large, and six concerning the destruction of squirrels and gophers. The objects of most of these Acts could be attained under general laws.

## CONSTITUTIONAL AMENDMENTS.

In addition to the suggestions before made in regard to Constitutional amendments, I respectfully submit the following as worthy of your consideration:

Article II, Section 1. The word "white" should be stricken out, to make the Constitution conform to that of the United States, existing facts, and unquestioned rights.

Article VI, Section 3. Special elections for Judicial officers and Superintendents of Public Instruction, should be abolished.

It would be a great convenience, save much expense, obviate the necessity of holding separate elections for members of Congress, and of electing United States Senators so long before the commencement of their term, to change the time of general elections from the odd to the even years.

The terms of office of the Justices of the Supreme Court, in cases of elections to fill vacancies occasioned by death or resignation, should be clearly fixed. It should be made certain, also, which member of the Court shall be Chief Justice. Under the present reading, there may be two or more with equal claims to that position.

The jurisdictions of the various State Courts should be more clearly defined, and power should be given to the Legislature to adopt a judicial system, which would consolidate jurisdictions of the District and County Courts, and to provide some method for relieving the Supreme Court of the accumulating mass of business. At present, the inevitable "law's delays" amount to a substantial denial of justice. In this connection, though not necessarily involving a Constitutional amendment, I think, if two thirds of a jury, in civil cases, could return the verdict, it would be a decided improvement to our jurisprudence. Constitutional provision should be made for the appointment of a Board of Directors for the State Prison, with power to appoint the Warden and other officers, so as to secure a permanent Board of Control beyond the contingencies of future legislative action.

Subsidies, by the State, county, or municipal governments, should be prohibited.

## NEW APPORTIONMENT.

The existing apportionment of Senators and Assemblymen is so manifestly unjust that its amendment is required by every consideration of popular government. It would be a wrong almost inviting a revolutionary remedy, for the Legislature to adjourn without making population the basis of representation. I renew the suggestion of my inaugural, that the rights of minorities should be protected by dividing the State into districts. If Assembly districts should prove in some cases to be impracticable, then into districts each of which shall be entitled to one Senator and two Assemblymen.

## CHINESE IMMIGRATION.

The increased volume of Chinese immigration in the past year has excited unusual attention. Those who are so far removed from us as to form their opinions on this subject from general principles rather

than from the special facts, and many persons here who are not brought in competition with Chinese labor, but are benefited by its cheapness, have often indulged in harsh criticisms upon the prevailing sentiment of this State in regard to Chinese immigration. Upon this subject I beg to repeat substantially what I have before said. The Chinese immigration constitutes a marked class, a distinctive element of society. We cannot be blind to the fact that China, with a population of more than three hundred millions, is as near to us practically as New York, and may send here such a volume of immigration as would modify our society and substantially change the relations of capital to labor. That modification would not be such as we desire in American civilization; that change would not be in the interest of free labor. The labor of the Chinese who come here is cheap, because in the mass they have no families to support, no children to educate, and are free from the wants which differentiate our civilization from theirs; and in order to successfully compete with them in price, other laborers would be compelled to reduce themselves to the same conditions.

Besides these considerations, the presence of a large population in our midst to whom we are unwilling to accord equality of political rights, establishes, to that extent, a system of caste, and is at variance with the genius of our institutions.

I believe the general sentiment of the people of the State will concur in the view, that, while the Chinese who are here, or who may come under the stipulations of our treaty, should be protected from violence and persecution, the General Government should call for such a readjustment of the treaty as will restrain their further immigration.

#### FENCING LAND.

The respective rights and duties of the owners of land and the owners of cattle, in regard to fences, has been the subject of so much discussion there is no occasion to advert to it at length. The counties, I believe, where a "no fence law" is in force, are, without exception, satisfied with its operation; and their experience demonstrates that the best interests of the State would be promoted by the enactment of a general law for the protection of growing crops against trespassing animals.

#### IRRIGATION.

The subject of irrigation is of the highest importance to the State, and will demand your careful and laborious consideration. Under the operation of the laws of the State, a large portion of its inland waters available for purposes of irrigation have passed under private control. This right of control has been acquired simply by appropriation, and although the law requires such appropriation to be for some useful or beneficial purpose, the terms are so broad—any useful or beneficial purpose fulfilling the definition—and the legal means of determining what is useful and beneficial within the meaning of the law, so defective, that the control is practically absolute, and will be regulated only by the self-interest, more or less enlightened, of the appropriators. It is in their power to carry the waters appropriated over one arid district to another, to make their own prices, to discriminate in prices and between owners of lands. In many districts in this State the control of the waters necessary for irrigation is of as great value as the lands to

be irrigated, and its exercise, unrestricted by law, may result in most onerous conditions to the cultivators of the soil.

The inland waters of the State ought to be the property of the State and subject to its control, and no interest or rights should be conceded in them except upon such terms as would insure their equitable use for a public benefit.

Our present laws grew up from the immediate necessities of mining, and were to some extent justified by the hazards of mining enterprises, the impossibility of determining in advance the value of a mine, or the amount of water its working would require. Privileges were granted to compensate risks. The agricultural development of the State presents different conditions and demands new legislation. By Act of Congress, approved July twenty-sixth, eighteen hundred and sixty-six, it is provided: "That whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and decisions of Courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes aforesaid is hereby acknowledged and confirmed." Under this enactment it would be competent for the State to amend the laws under which "vested rights" can be acquired, but in order to avoid all conflict of legislation, especially in regard to the use of large bodies of water upon public lands, and to prevent such bodies, upon any terms, from passing into private ownership, Congress should be memorialized to grant to the State the control of her inland waters, upon conditions such as will protect navigable streams. Immediate legislation should prevent the further acquisition of rights by private parties to the unrestricted use of the waters of the State.

The question of the proper method of utilizing the waters necessary for purposes of irrigation is one of considerable practical difficulty. I believe, as the best solution, proper steps should be taken to divide the State into irrigation districts, with a view to securing to each acre the right to its pro rata of the water available for the supply of the district in which it is situated. If Congress should be willing to donate lands for the construction of works of irrigation, the donation should be to the State, and the money realized be apportioned among the districts as they construct the necessary works. It would then, too, be in the power of any district, if found advantageous, to negotiate with capitalists to construct works of irrigation upon equal terms; now it is in the power of the owners of water rights to dictate terms.

#### PRESENTATION TO THE STATE.

On August twenty-third, eighteen hundred and seventy-three, I accepted, on behalf of the State, a large and finely executed portrait, in oil, of Manuel Micheltorena, Governor of California from eighteen hundred and forty-two to eighteen hundred and forty-five. The present was the thoughtful and generous act of Samuel J. Bridge, Esq., of the City of San Francisco. The correspondence relating to the gift and its acceptance is filed among the archives of this office, and the portrait is placed in the Senate chamber.

## SUBSIDIES.

At the last session of the Legislature certain counties were exempted from the repeal of the Act known as "The Five Per Cent Act." In each of these excepted counties a majority of the voters are empowered to give one twentieth of the value of all the property in the county to a railroad company. The repeal should be made general. The sentiment upon the question of State and county subsidies has ceased to be a matter of argument, because it has become a public conviction. The public conscience recognizes the wrong of taking the property of one man and giving it to another. The giving of subsidies has proven as vicious in practice as it is erroneous in theory. It furnishes an additional and dangerous incentive to great corporations to control the Government in their own interest, demoralizes legislation, and makes law not a common guardian but a partial patron. In the end it defeats its own ostensible object by giving favored corporations such powerful advantages as to enable them to monopolize the fields of enterprise and prevent the competition which would naturally arise.

## FREIGHTS AND FARES.

Perhaps the question of regulating the rates of railroad transportation has been clouded by unnecessary difficulty. Railroads are public highways in private ownership. In their construction they invoke the highest attribute of the State's sovereignty—the right of taking private property for public use. Their owners are common carriers with special privileges. If the State has not the power to regulate their charges, she may renounce her claims to sovereignty. The maximum rates in California—ten cents per mile for passengers, and fifteen cents per ton for freight—were fixed at a time when prices and profits were so much higher than now, it seems to belong to a different age. Practically, it is no limitation, affording so wide a margin as to allow a railroad company to discriminate between places, between individuals, to reward friends and punish enemies, and to build up or ruin the business of any man that depends upon railroad transportation. This maximum is not in the nature of a legislative contract, or vested right, the Constitution reserving to the Legislature the right to alter or repeal the laws under which corporations are created.

These things should be kept in view in establishing rates: There should be a fair compensation. Discrimination between individuals should be prevented by penalties. Discrimination between places should be prevented by prohibiting a railroad from charging a higher price over any portion of the road than is charged for the same or a shorter distance of similar or heavier grades in any other portion. The rates and classification should be published and posted up at all depots, as the owners of toll bridges and ferries are compelled to post their rates, and public notice should be given of any contemplated change. Any express or transportation company should be entitled to the same terms, for the same business, in speed and price, as any other. If a fair maximum is established, and uniformity between individuals and over distances and grades is compelled by penalties, the question of classification may be in a great measure determined by the necessities of business. It may not prove necessary for the law to schedule articles in classes. Maximum rates can be fixed for as many classes as are required, and the companies

can make and publish the schedules of each class. It easily suggests itself that the result of such legislation may possibly be one schedule, one class, and the maximum rate for every article transported. I do not think so. But if the experience of the ensuing two years should demonstrate that railroad companies, with fair opportunities to construct and operate a just tariff of rates of transportation, failing to recognize lessons already taught, and pursuing an established policy of strong-handed defiance, have neglected or refused to perform their duties, the next Legislature, exercising the strong and undoubted powers of government, can reach them and their operations in minute detail, forbid free passes, schedule every article of freight, establish minimum as well as maximum rates, prohibit the consolidation of competing lines, permit them to own no land not necessary for their actual use, forbid officers or employes to furnish supplies to the corporations, regulate their systems of accounts, and compel them by clear enactments to recognize their true position, their real obligations, and their prescribed privileges. No law is perfect. Under the operation of the wisest some cases of hardship and inconvenience may occur. That is the best which aims at substantial justice. There is no local competition between railroads; there is but one best route between two points. Besides, in railroads capital does not compete—it combines. Not to compel fairness and uniformity by law is to tolerate the abuses and oppressions of arbitrary power.

#### RIGHTS OF PASSENGERS.

Many of the rules of common law in regard to the rights and duties of common carriers were established under conditions very different from those induced by the construction of railroads. The nature of a contract between a railroad company and the purchaser of a ticket; the length of time for which the ticket is good; and the right of a passenger holding a through ticket to stop over at intermediate points, should not be left to the varying constructions of Courts, and the analogies of stages on post-routes, but should be clearly defined by statute.

#### YERBA BUENA ISLAND.

By an Act to provide for the Terminal Central Pacific Railway Company, approved March twenty-eight, eighteen hundred and sixty-eight, the State granted to that company certain submerged and tide lands in the Bay of San Francisco, northwest of and adjacent to the Island of Yerba Buena, upon condition that the company should pay the State a sum to be ascertained by appraisal, and, also, commence the improvement of said premises within one year from the date of their acceptance; within two years, expend on such improvements not less than one hundred thousand dollars; and, within four years after the filing of the acceptance, have constructed and put in full running order a first class rail and ferry communication, according to the provisions of its articles of incorporation, between the City of San Francisco, the premises described, Oakland, and Vallejo. A supplemental Act, approved March thirty-first, eighteen hundred and seventy, extended the time mentioned two years. On September twentieth, eighteen hundred and sixty-eight, the company filed their acceptance and paid into the Treasury the sum

of twelve thousand dollars, the amount of the appraisement. No improvements of any nature have been made. I do not think the State should hold the money received, but provision should be made for its repayment to the proper parties.

#### POSSIBILITY OF WAR.

The recent difficulties between the Government of the United States and that of Spain, involve questions of fact and of international law so grave, complicated, and delicate, that I only feel called upon to say I earnestly trust they may be honorably adjusted without an appeal to arms. If war is the last resort of kings, it should more truly be the last resort of republics. History is already too full of bloody chapters, and a war between the strongest republic in the world and a nation endeavoring to organize a republican government under unexampled difficulties, could not fail to retard the cause of popular liberty.

NEWTON BOOTH,  
Governor.



APPENDIX TO GOVERNOR'S MESSAGE.



# LIST OF PARDONS FROM STATE PRISON,

GRANTED BY GOVERNOR BOOTH,

*From January 3d, 1872, to October 31st, 1873, inclusive.*

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Alex. Walker. ....	San Francisco.	Robbery.....	July, 1870 .....	Twenty-one years

DECISION.—Whereas, the said Alex. Walker is dying, and is so nearly dead with consumption as to preclude the possibility of his regaining his health, or of living for many days; and the Sisters of St. Mary's Hospital have offered and agreed to receive him and give him the care and comfort which his condition requires. January third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Augustus Kramer	San Francisco.	Burglary .....	July, 1870.....	Seven years.

\* DECISION.—Whereas, the Judge of the Court wherein he was convicted and sentenced, and all of the jurors by whom he was tried, have petitioned for his pardon, and notice of intention to apply for his pardon has been regularly and widely published without eliciting remonstrance against it from any source; and, whereas, Mark Meyer, a State prisoner, conjointly with whom he was tried and convicted of said crime, did, upon his deathbed, declare the said Augustus Kramer to have been innocent of any complicity in said burglary. January thirtieth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
T. K. Hays. ....	Tehama. ....	Manslaughter .....	February, 1870...	Six years.

\* DECISION.—Whereas, notice of intention to apply for his pardon, duly published and presented to the officers of the said Court, has elicited no objections or remonstrance from any source; and it appears from letters and petitions presented on behalf of said T. K. Hays by many citizens of prominence and of known integrity, that his release from confinement would be fully consistent with justice, and would relieve the distress of a worthy family; and a majority of the jurors—all now remaining in the county—in the case, and all the officers of Tehama county have petitioned for his pardon. February second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Ridley .....	Sacramento....	Burglary.....	July, 1870.....	Five years.

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published without eliciting remonstrance from any person; and it appears from the testimony given at the trial, and from communications presented by the Judge of the Court wherein he was tried and convicted, and the District Attorney who prosecuted the case, that the said Robert Ridley was not guilty of the crime of which he was convicted and for which he is now imprisoned. February second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry Brown.....	Sacramento....	Murder 2d degree.	February, 1870...	Ten years.

DECISION.—Whereas, the said Henry Brown now lies at the point of death, in the hospital at the State Prison, and the Sisters of St. Mary's Hospital have offered and agreed to receive him and give him the care and attention his condition requires. February nineteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frederick Back ....	Alameda.....	Grand larceny. ....	January, 1870 ...	Two and one half years.

\* DECISION.—Whereas, the said prisoner would be discharged from custody by operation of law on the first day of March, eighteen hundred and seventy-two, and there appears to be a reasonable doubt as to his having intentionally committed the crime of which he was convicted. February twentieth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Martin. ....	San Francisco.	Burglary ... ..	February, 1870	Six years.

DECISION.—Whereas, the prisoner lies in the prison hospital sick, and the physician at the State Prison has sent to me his certificate showing that the disease of the said prisoner is pulmonary consumption, and that he is very low and cannot possibly recover, from which it appears that the pardoning power may be exercised in his behalf without detriment to justice, and mercy may be accorded to him without danger of evil resulting to society, or to the State. February twentieth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Rice.....	Santa Cruz....	Grand larceny.....	September, 1871.	One year.

\* DECISION.—Whereas, notice of intention to apply for his pardon has been properly served and duly published, as required by law, and no objection or remon-trance has been received from any source; and a petition has been received praying for his pardon, and setting forth that the sentence was disproportionate to the crime, and that his release from confinement would be a just act, as well as one of mercy to a dependent family; which petition is signed by Judges, jurors, officers, and many citizens of high character and known integrity. March thirteenth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Johnson.....	Mariposa .....	Infamous crime against nature	November, 1869.	Five years.

DECISION.—Whereas, notice as required by law, has been duly published, of intention to apply for this pardon, without eliciting remon-trance or objection from any source; and it appears from the petition, and the statements of citizens of intelligence and recognized integrity of character, that there are grave doubts as to the actual guilt of the prisoner, who was convicted upon the testimony, mainly, of one prosecuting witness. March twenty-fifth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Austin Smith .....	Yuba .....	Grand larceny.....	January, 1870 ..	Three years.

DECISION.—Whereas, the prisoner has now been imprisoned for more than two years, and the Judge who sentenced him has petitioned for his pardon, and such pardon is asked for by citizens of good character and reputation, who are cognizant of the facts and circumstances of the case; and the prisoner's mother now lies at the point of death and cannot recover. April first, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Frender...	Alameda.....	Murder 2d degree.	June, 1871.....	Fifteen years.

\* DECISION.—Whereas, notice of intention to apply for this pardon has been duly published and served according to law, without eliciting remon-trance or objection from any source; and a petition praying for his pardon has been signed by several hundred citizens of good character and intelligence, who vouch for the prisoner's having been, by reason of imbecility of mind, rather the victim of misfortune than the intentional author of crime; and the Legislature, by a majority of both Houses, has recommended him as a proper subject for executive clemency; and it appears, from all the facts in the case, that such pardon would be just and proper. April second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Francisco Soto .....	San Joaquin	Grand larceny ....	May, 1871 .....	One year.

\*DECISION.—Whereas, there remain but a few days of the said term unexpired, and the prisoner would soon be set at liberty by operation of law; and it appearing to my satisfaction that his evidence is material, and is urgently required, in a criminal case now pending. April ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John M. May.....	Yolo.....	Kidnaping.....	January, 1870....	Four years.

\*DECISION.—Whereas, the Legislature of this State did, at its nineteenth session, by a majority vote of both Houses, recommend that he be pardoned; and it appears from a careful examination and consideration of the circumstances of the case, that such recommendation is well founded. April ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Tivis.....	Colusa.....	Murder, first degree.....	January, 1868....	Thirty years.

\*DECISION.—Whereas, the Legislature of the State of California, at the nineteenth session thereof, did, by a majority vote of both Houses, recommend him as a prisoner entitled to be restored to liberty; and the said recommendation is sustained and strengthened by examination into facts, and consideration of circumstances connected with the crime committed by the prisoner. April ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Schmidt...	San Francisco.	Grand larceny. . .	August, 1870.....	Three and a half years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been duly and widely published, in accordance with law, without eliciting any objection thereto; and it appears from the written statements and petitions of Judge Delos Lake, who presided at his trial and sentenced him; the District Attorney who prosecuted him, and the jurors who tried and convicted him, that there are grave doubts concerning his actual guilt; and his pardon is recommended by well known citizens of good character, who are familiar with the circumstances of the case. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Francis ....	Plumas.....	Murder 2d degree.	May, 1869 .....	Fifteen years.

\*DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and a careful examination of the testimony taken at the trial which resulted in his conviction, shows the legislative recommendation to have been well founded. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Louis Antonio ....	Calaveras.....	Grand larceny..	July, 1863 .. .....	Fourteen years.

—DECISION.—Whereas, the term of imprisonment was unusually long, and the prisoner has now been confined for nine years, and it appears conclusively that the interests of society do not require or demand his further punishment, and the Legislature of this State, by a majority vote of both Houses at its recent session, has recommended his pardon. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Steinman....	Placer .....	Murder 2d degree.	May, 1867 .....	Twenty-five yrs.

\*DECISION.—Whereas, the conduct of the said prisoner has been uniformly good during the five years which he has been incarcerated, and his further imprisonment, in the opinion of those who are best qualified to judge, would benefit or protect neither the prisoner nor the State; and the Legislature, at its nineteenth session, recommended by a majority vote of both Houses, that he be pardoned. April tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George O'Connor..	San Francisco.	Manslaughter ....	December, 1870.	Ten years.

\*DECISION.—Whereas, notice of intention to apply for this pardon, duly published and served as required by statute, has not elicited objection thereto of any nature; and the petitions of many well known citizens of good character and standing in the community, and of the jurors by whom he was tried, show that this pardon may be justly granted; and the Legislature, by a majority vote of both Houses, at its nineteenth session, recommended his pardon. April eleventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Kate Murphy .....	Sonoma .....	Arson .....	January, 1871 ...	Five years.

\*DECISION.—Whereas, the punishment already inflicted upon the prisoner is apparently sufficient, considered as a reformatory measure, to answer the intended purpose of the sentence; and the Legislature of California, at its recent session, by a majority vote of both Houses, recommended her pardon. April eleventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Hendry.....	San Francisco.	Grand larceny ....	December, 1871..	Five and one half years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been duly and widely published, in accordance with law, and no one has remonstrated against, nor objected to, the granting thereof; and the conduct of the prisoner has been uniformly good; and it appears, from a careful examination and consideration of the circumstances of the case and of the evidence upon which he was convicted, that there are grave doubts as to the guilt of the prisoner; and it appearing to me that he may be released from confinement without violating the spirit of justice, and without danger to the State or to society. April eleventh, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Alex. P. Manor. ...	Yolo.....	Burglary .....	January, 1870... .	Five years.

DECISION.—Whereas, the Legislature of the State of California, by a majority vote of both Houses, at its nineteenth session, recommended his pardon, and such recommendation is made by other citizens entitled to credence and consideration. April sixteenth, eighteen hundred and seventy-two. (The condition of this pardon is that he departs from the State prior to the tenth day of May next, never to return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Smith.....	Yuba.....	Burglary .....	February, 1861.	Fourteen years.

\*DECISION.—Whereas, the prisoner's term of punishment, during which he has conducted himself with such propriety as to merit and gain the approbation of the prison officers, has now nearly expired, and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon. April twenty-sixth, eighteen hundred and seventy-two. (Future conviction to render pardon void.)



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Ramon Alvitre .....	Los Angeles...	Grand larceny ...	November, 1863.	Twelve years.

\*DECISION.—Whereas, notice of intention to apply for this pardon has been duly published, and no objection or remonstrance has been presented; and the term of sentence was excessive; and the conduct of the prisoner has been uniformly good; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Lucio Alvitre .....	Los Angeles...	Grand larceny ...	November, 1863..	Twelve years.

\*DECISION.—Whereas, the sentence was disproportionate to the crime; and the prisoner's conduct has been uniformly good; and the Legislature, at its nineteenth session, by a majority vote of both Houses, recommended that he be pardoned. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
N. J. Thompson.....	Humboldt.....	Assault with deadly weapon. ....	September, 1871.	One year.

\* DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended that he be pardoned, which recommendation appears to me to be well founded and justified by the circumstances and facts of the case. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Thompson.	Yuba .....	Burglary and arson .....	January, 1871....	Three years.

DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended that he be pardoned; and he being but a mere boy, only fifteen years old, when the crime was committed, the punishment he has already received has fully satisfied the ends of justice. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frank Welsh.....	San Francisco.	Robbery .....	September, 1870.	Five years.

DECISION.—Whereas, the conduct of the prisoner has been uniformly good during his confinement, and there has been presented to me a petition, praying for his release, signed by the Judge of the Court wherein he was convicted, by the District Attorney who prosecuted the case, and by a majority of the jurors who found the verdict, and expressing doubts as to the justice of the conviction; and it appears that the prisoner is a boy, and has, in any event, been sufficiently punished. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
José Gonzales.....	Colusa. ....	Manslaughter ....	January, 1867....	Eight years.

DECISION.—Whereas, the Legislature of this State, by a majority vote of both Houses, at its nineteenth session, recommended his pardon; and petitions, signed by many citizens of good character, have been presented to me in support of such recommendation. April twenty-sixth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
D. C. Parks.....	Calaveras ....	Grand larceny. ...	January, 1864 ....	Ten years.

DECISION.—Whereas, the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and his conduct has been uniformly good during his imprisonment, and has gained for him, under operation of law, credits in days that would release him during the coming month. April twenty-ninth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
James Phipps.....	El Dorado ....	Arson.....	September, 1870.	Six years.

DECISION.—Whereas, it appears by the statements of a number of persons, in whom I have confidence, and by the affidavits of trustworthy citizens, including the sworn certificates of two physicians, in good standing, that the further confinement of the said prisoner is likely to result in the confirmed insanity or death of his daughter; and in view of this fact the Judge before whom he was tried, and the attorney who prosecuted the case, have personally solicited his pardon. May fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry Doty.....	Yolo .....	Grand larceny. ....	January, 1870 ...	Three years.

\*DECISION.—Whereas, the Legislature of the State of California, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and it appears from an examination into the circumstances of the case and the facts relating to his conviction, that such recommendation is just and well founded. May tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Chirong.	Alameda .....	Grand larceny, etc.	January, 1872. ...	Two years.

DECISION.—Whereas, notice of intention to apply for this pardon has been duly published and served without resulting in protest or remonstrance; and the said prisoner is only seventeen years of age, and is a helpless cripple; and the prisoner's father is now in this State, having come from the State of New York for the purpose of taking his son away with him; and this pardon is petitioned for by citizens and officers in the said County of Alameda, of high character, who are familiar with the circumstances of the case. May twenty-first, eighteen hundred and seventy-two. (Pardon granted on condition that he depart from this State prior to tenth day of June, and never return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
W. T. Gassoway...	Butte... ..	Robbery .....	October, 1864....	Ten years.

\*DECISION.—Whereas, the conduct of the said W. T. Gassoway has been uniformly good during his long confinement, which would soon terminate now by operation of law; and a careful examination and consideration of the circumstances of his case; of the petitions for his release; of the pardon granted to his associate and accomplice; and especially of his reformation; leads me to believe that he may now be restored to liberty with advantage to himself and without danger of injury to others. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. F. Shuler.....	Butte. ....	Robbery. ....	October, 1864. ....	Ten years.

DECISION.—Whereas, the conduct of the prisoner has been uniformly good during his long confinement, and his punishment has been great enough; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and petitions, signed by many citizens of this State and by well known citizens of the

State of Georgia, praying for his release, have been presented to me. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Corcoran..	Sacramento.	Arson, second degree.....	January, 1871 ....	Two years.

\*DECISION.—Whereas, the prisoner has now been confined for the greater part of said term of sentence, and has conducted himself, during the time, with uniform propriety; and the Legislature, at its nineteenth session, by a majority vote of both Houses, recommended his pardon, which has also been petitioned for by the Judge who sentenced him; by the Sheriff, the District Attorney, and other county officers; by the foreman and others of the Grand Jury which indicted him, and by other citizens; and it appears that his was the crime of an accomplice, and that he may now be released without danger to the State. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Jackson.....	San Joaquin...	Grand larceny. .	July, 1866 .....	Ten years.

\*DECISION.—Whereas, notice of intention to apply for his pardon was duly published and served, and no protest against it has been received; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; and I am satisfied that the prisoner has been punished sufficiently by his incarceration of now nearly six years, and is reformed. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Benson.....	Calaveras .....	Assault to rape....	December, 1870..	Two years.

\*DECISION.—Whereas, notice of intention to apply for his pardon has been duly served and published, and no protest or remonstrance against it has been filed; and the Legislature of this State, at its nineteenth session, by a majority vote of both Houses, recommended his pardon, and there are strong probabilities of his innocence of the crime he was convicted of, while his punishment for such offense as he did commit has already been ample and sufficient. May twenty-second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Charles Denman...	Sacramento....	Arson 1st degree	May, 1862 .....	Fifteen years.

\*DECISION.—Whereas, during his imprisonment, for ten years past, his conduct has been uniformly good, and there exists no reasonable doubt as to his having been sufficiently punished and thoroughly reformed; and the Legislature, at its nineteenth session, by a majority vote of both Houses, recommended his pardon; which recommendation is supported by letters and petitions from citizens of known integrity and judgment. May twenty-second, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Polimnio (Indian)	Calaveras .....	Murder 2d degree.	January, 1864.....	Life.

\*DECISION.—Whereas, the said Indian, being intoxicated at the time, was measurably a victim of the unlawful acts of civilized men, as well as a criminal by reason of his deficient moral training; and it appears conclusively to my mind that, justice having now been vindicated by his long incarceration, his further confinement would neither benefit himself nor profit the State, and is not necessary as a protection to society; and the Legislature of this State, by a majority vote of both Houses, at its nineteenth session, recommended his pardon. May twenty-second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Chs. Wieland .....	San Francisco.	Assault with int'nt to rob .....	September, 1870.	Four years.

\* DECISION.—Whereas, notice of intention to apply for this pardon has been duly published and served, and neither protest nor remonstrance has resulted; and it appears from a careful consideration of the testimony and circumstances relating to his conviction, that he was perhaps an accidental and innocent associate of actual robbers, instead of being an intentional criminal; and his conduct during his imprisonment has been uniformly good. May twenty-ninth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Tim'y McCarthy.	San Francisco.	Robbery.....	November, 1870.	Two years.

DECISION.—Whereas, notice of intention to apply for this pardon has been duly published and served without eliciting any remonstrance; and it appears from letters, statements, and petitions from the Judge who tried and sentenced him, and from others, that there exists a serious doubt as to whether or not he was convicted upon false testimony, and is not actually innocent of the recited crime; and the conduct of the said prisoner has been uniformly good during his incarceration. May twenty-ninth, eighteen hundred and seventy-two. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
H. B. Manner.....	Sacramento...	Grand larceny ...	January, 1870..	Eight years.

DECISION.—Whereas, the Judge before whom he was tried and by whom he was sentenced, has petitioned for his pardon, for the reason that at the time of pronouncing his sentence the said Judge was informed and believed that the prisoner had already been an inmate of the State Prison, and in consequence of such belief imposed a severe sentence; which information was untrue. And, whereas, the prisoner, conducting himself properly and well the while, has now been sufficiently punished, and notice of intended application for his pardon has been duly published without eliciting remonstrance from any source. June tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
B. F. Hawkins ....	El Dorado.....	Grand larceny and burglary .....	April, 1867.....	Seven years.

DECISION.—Whereas, notice of intention to apply for his pardon has been published, as required by law, and has elicited neither objection nor remonstrance from any source; and it appears, from letters and petitions received by me, that grave doubts exist as to his being guilty of the second recited crime—the prosecuting witness having made affidavit to his belief in his innocence; and the prisoner's term, his conduct having been good the while, has now nearly expired, and he has been more than sufficiently punished for the crime he did commit. August second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Jones. ....	Alameda.....	Robbery .....	January, 1864.	Fifteen years.

DECISION.—Whereas, the said prisoner has now served more than eight and one half years of his sentence, and has conducted himself during the time with uniform propriety; and it appears, from the statements of Henry N. Morse, Sheriff of the county wherein he was tried and convicted, and of others who have made intercession for the pardon of the prisoner, that the sentence was disproportionate to the crime, and that the prisoner may be now liberated without violation of justice. August second, eighteen hundred and seventy-two. (The condition of this pardon is that he depart from this State prior to the first day of September, eighteen hundred and seventy-two, and never return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Yung Toy.....	Shasta .....	Robbery.....	October, 1869.....	Seven years.

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published according to law, without eliciting remonstrance or objection from any source; and

it appears from the statements of those residing in Shasta County, and from petitions for his pardon, that he was innocent of the crime of which he was convicted. August third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Lawler....	Alpine .....	Embezzlement....	May, 1869.....	Seven years.

\* DECISION.—Whereas, it appears from statements and evidence in my possession, that the prisoner was sentenced after conviction to three years imprisonment, before which sentence was recorded the Court added four years as the penalty for an insult to its dignity; and it appearing to me that the three years which have now been meritoriously served by the prisoner, constitute a sufficient punishment for the embezzlement; and that imprisonment for four years longer would be too great a penalty to inflict for a contempt of Court. August third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Bailey.....	Tulare. ....	Felony.....	May, 1872 .....	One year.

DECISION.—Whereas, the said Bailey had been examined and discharged by a committing magistrate for the same offense, on the testimony of one Littlefield; that two years thereafter, Littlefield being dead, he was again arrested, tried, and convicted; and it is further made known to me that one John Hilton, a respectable and reliable citizen, states the fact that he was the only living person who could corroborate the evidence to which Littlefield testified; that he did not hear of the trial until after conviction, and that he believes that Bailey was innocent of any intention to commit crime; and it appearing to me that the facts warrant such belief; and, whereas, notice of application for pardon has been duly published eliciting no remonstrance, while a petition praying for his liberty has been numerously signed and indorsed by the leading citizens of said county. August twenty-second, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
F. W. Voll.....	San Francisco	Manslaughter..	June, 1870.....	Eight years.

\* DECISION.—Whereas, pardon was recommended by the Legislature, and has been petitioned for by a large number of respectable citizens of San Francisco, including nine of the jurymen before whom he was tried; and, whereas, the application has been under consideration since the adjournment of the Legislature, and no protest has been filed. It appearing to me, from examination of the record, that said Voll is not a man of depraved heart, and that he committed the crime of which he was convicted under an extraordinary provocation, and under the belief that he was defending himself and family; now, believing that the interests of society do not require his further punishment. August twenty-third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
P. C. Coffman .....	El Dorado ....	Murder, 2d degree	————, 1864..	Life.

**DECISION.**—Whereas, pardon was recommended by the Legislature; the conduct of the prisoner during the eight years of his imprisonment has uniformly been good; being satisfied that he is not a man of depraved disposition, and that the crime he committed was in a paroxysm of jealousy that amounted almost to insanity. August twenty-third, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. McDonald. .	San Francisco.	Robbery .....	September, 1870	Ten years.

**DECISION.**—Whereas, it appears conclusively to my mind that the prisoner was convicted upon testimony that was probably false, and serious doubts exist as to his guilt; the Judge who sentenced him, several of the jurors who found him guilty, and many citizens of undoubted integrity of character having petitioned for his pardon; and no objection or remonstrance there against has been presented to me, although notice of intended application has been duly published; and it appears to me that his pardon would be an act of justice, beneficial rather than injurious to the State. September fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Barnet Houseman..	El Dorado .....	Manslaughter.. ....	March, 1871. ....	Three years.

**DECISION.**—Whereas, it appears from a careful examination and consideration of the testimony given at the trial; and from the voluntary statements of citizens of high character and known integrity; and from the petition asking for his pardon; and from the previous good character of the prisoner, sustained to an advanced age, that his further imprisonment and punishment can neither be justly considered reformatory in its nature, nor in any sense a protection to society against probable crime; nor even an example to deter others from committing criminal acts. September twenty-fifth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John S. Cross .....	San Joaquin..	Burglary and Grand larceny.	January, 1871.. .	Four and a half years.

**DECISION.**—Whereas, the law requiring publication of notice of intention to apply for a pardon has been complied with, and neither objection nor remonstrance has resulted; and the prosecuting witness has made personal application, supported by petitions, letters, and statements for his pardon; and it appears that the mitigating circumstances of the crime and his uniform good conduct during his imprisonment entitle the prisoner to consideration now that could not be given to him at the time of his trial and conviction. October eighth, eighteen hundred and seventy-two. (Pardon conditioned on his leaving the State, never to return.)



Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Nich'las Carpenter	El Dorado ..	Manslaughter . .	May, 1870.....	Eight years.

DECISION.—Whereas, no remonstrance or objection of any nature has been received by me, although notice of intention to apply for this pardon has been widely published in accordance with law; but, on the contrary, many well known citizens of the said county have asked for his pardon by letter and by petition; and it appears from examination that the crime was the result of misfortune rather than of design, and that the prisoner, who has conducted himself with uniform propriety during his incarceration, has now been sufficiently punished. October fifteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Toney ....	Colusa .....	Grand larceny. .	November, 1865.	Twelve years.

DECISION.—Whereas, he was convicted on two indictments and has now been imprisoned seven years—one year longer than his sentence on the first; and it is shown by the affidavit of B. F. Hawkins, made while in prison, that the second crime was committed by Hawkins and not by Toney; and publication of notice as required by law has been twice made; and petition for this pardon is numerous signed by good citizens, including the Judge who tried, and the District Attorney who prosecuted the case, and the ends of justice are fully satisfied. October sixteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Eli Hanna .....	Nevada.....	Murder 2d degree.	July, 1868 .....	Twenty-five yrs.

DECISION.—Whereas, his pardon was recommended by the Legislature at its recent session, and has been petitioned for and requested by a large number of respectable citizens of Nevada County, including the present District Judge, and the Judge before whom said prisoner was tried; and, being convinced from the statements in said petitions and from other statements made to me by trustworthy persons, that said prisoner had, before the commission of said crime, been a man well behaved in the community, and that there were mitigating circumstances attending the commission of said crime, and, it being made known to me that his longer incarceration will endanger his life. November twenty-eighth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Francis Callahan.	Klamath.....	Assault to murder.	January, 1869 .	Seven years.

DECISION.—Whereas, the Legislature, at its recent session, recommended his pardon; and upon investigation of the facts, I am convinced that the prisoner is not a man of depraved disposition, but that the crime of which he was convicted was committed under

the influence of jealousy, and while he was in a state of intoxication; and, believing that his imprisonment of nearly four years is a sufficient expiation for the offense. November twenty-eighth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Isaac A. Lyons.....	San Francisco.	Grand larceny. ..	July, 1870.....	Five years.

**DECISION.**—Whereas, application duly advertised and petitioned for by a number of respectable citizens, and no protest having been made against the granting of a pardon, and it being his first offense, and means having been furnished for his return to Australia; this pardon is granted on condition that he leaves the State before the first day of January, A. D. eighteen hundred and seventy-three, and never return. December fourteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Manuel Cassenas...	San Francisco.	Robbery.....	January, 1871..	Three and a half years.

**DECISION.**—Whereas, it is certified to me by a number of respectable citizens that the prosecuting witness (who cannot now be found) has admitted that defendant did not commit the robbery of which he was convicted. December twenty-fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Amos Stanley.....	San Francisco.	Grand larceny ..	November, 1869..	Four and one sixth years.

**DECISION.**—Whereas, the previous good character of the defendant (who is a British subject) is certified to by H. B. M. Consul; and, whereas, this being his first offense, and the term of his imprisonment having but eight months to run, the punishment is deemed sufficient. December twenty-fourth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Cosmo Machado .	Calaveras. ...	Murder 2d degree.	July, 1862 .....	Fifteen years.

**DECISION.**—Whereas, said defendant cannot speak the English language, and had no money to employ counsel at his trial; and because I am convinced, from the statements of respectable people of the vicinage, that the crime committed was not of a higher grade than manslaughter, with mitigating circumstances; and said defendant has already served ten years in prison without violating one of its rules, or missing one day's labor, until recently, when his health had become seriously impaired. Believing the law vindicated and the ends of justice satisfied. January ninth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
E. H. Jarvis.....	Yolo .....	Grand larceny. ...	April, 1871.....	Three years. †

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published and served, in compliance with law, without attracting any attention in the matter of an objection, and I am convinced that this was his first offense; that it was committed under the great temptation of extreme want, and with expectation of making restitution, and that, having served two thirds of the term of his sentence, and conformed strictly to all the rules of the prison, he has been sufficiently punished. January seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Jas. A. Letterman	Contra Costa	Grand larceny.	May, 1871.....	Two and a half years.

DECISION.—Whereas, the prisoner has only two months to serve, under his sentence, and, from such examination of the facts as I am able to make, I am of opinion that his offense was more the result of ignorance than of criminal intent; and his friends having given notice of intention to apply for his pardon, as required by law, have already provided for him a situation where he can earn an honest living. January seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Monroe Crozier..	Sacramento ..	Murder 2d degree	February, 1865 ..	Ten years.

DECISION.—Whereas, having now served eight of the ten years of his sentence, and conducted himself with uniform propriety during the entire time, he would be entitled, under the law, to be discharged within a few months; and his friends have secured for him a place where he can earn his living honorably, and have duly published notice of intention to apply for his pardon, no remon- tance against which has been made. Believing that the ends of the law are satisfied, and that it is better for society, as well as for the prisoner, that he should be discharged now, while there is the certainty of his finding honest employment. January twenty-eighth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Dwight Griffin ....	Yolo .. ..	Robbery & felony.	October, 1871.....	Six years.

DECISION.—Whereas, the petition for the pardon of the said Griffin, signed by the County Judge, District Attorney, County Clerk, and many other respectable citizens, sets forth that after conviction of the prisoner his brother, Warren Griffin, confessed that he was guilty of the robbery for which his brother had been convicted, and that said Dwight

Griffin was not concerned in it; pursuant to which confession said Warren was convicted and sentenced to ten years imprisonment. And, whereas, after as careful examination into the facts and circumstances as I am able to give, I agree in the opinion expressed by the petitioners that said Dwight Griffin was not guilty of the robbery, and that the imprisonment he has suffered is, under the circumstances, more than a sufficient atonement for the felony (jail breaking) of which he was convicted. January twentieth, eighteen hundred and seventy-three.

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Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Frederick Keller..	Sacramento..	Forgery ..	April, 1872.....	One year.

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"DECISION.—Whereas, the term of his imprisonment would be at an end in a few days, by operation of law, and I believe, from statements made to me by the Judge who sentenced him, and by others, that a lesser penalty would have been severe enough for a greater crime, because neither the forgery nor its utterance was the result of deliberation and sober scheming, but of confusion and recklessness incident to drunkenness; and whereas, the prisoner has friends ready to give him honorable and profitable employment if he be now released. February seventh, eighteen hundred and seventy-three.

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Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Antonio Garcia...	Santa Clara..	Manslaughter..	July, 1868. ....	Seven years.

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"DECISION.—Whereas, the prisoner has now served the greater portion of the term of his sentence, and has been credited, under the law, for good conduct, with several months deducted from such term; and I believe his further punishment is not necessary for his reformation, many of the most prominent citizens of Santa Clara County having petitioned for his pardon, on the ground of previous and present good character, and for the reason that he is the sole support of his aged and destitute mother. February eighteenth, eighteen hundred and seventy-three.

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Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Moses R. Clark. .	Yolo..	Grand larceny.....	October, 1871.....	Three years.

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DECISION.—Whereas, a petition signed by numerous respectable citizens of Yolo County, including the Judge who sentenced him, shows that at the time of his conviction he was under eighteen years of age, that three persons were engaged in the larceny—both of the others, one of whom became a witness, and was not prosecuted—being men of mature years; and, whereas, it was the first offense of the prisoner, and the evidence shows that it was the result of the force of circumstances, rather than voluntary guilt; and the prisoner having now served more than half the term of his sentence, the punishment is deemed sufficient. February twenty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Coats ....	Mendocino .....	Manslaughter.....	July, 1872.....	Three years.

' DECISION.—Whereas, the prisoner is dying of pulmonary consumption, the physician of the prison having certified to me that he is prostrated and cannot live long either in or out of prison, and it seems to be plainly true that the granting of the petition of many citizens of Mendocino County, for his release, is simply an executive exercise of the "quality of mercy," and of common humanity, the privilege of dying among friends being one which may be accorded to a criminal without subverting justice or endangering society. March thud, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Daniel Flores. ....	San Francisco.	Robbery.....	January, 1871 ...	Three and a half years.

' DECISION.—Whereas, the prisoner is a Chilese, who speaks English very imperfectly, is poor, and at the time of his trial was almost friendless. And, from an examination of the papers in this case, and in the case of Miguel Cassesaa, who was tried for the same offense, I have great doubts as to whether the prisoner committed the robbery of which he was convicted. March thirty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Geo. Rozenbaum .	Yuba.....	Assault with deadly weapon .....	April, 1872.....	Two years.

DECISION.—Whereas, the prisoner having pleaded guilty to two indictments, was sentenced to prison for one year on each charge, and it seems to be doubtful if a conviction could have been obtained on the second charge if a trial had taken place; and the term of his sentence upon the first charge has been fully served out. And public notice of intention to apply for his pardon has been given, without eliciting any objection; while many of the residents of Marysville, including the Judge who sentenced him, the Sheriff of Yuba County and his deputies, the Judge of the Tenth Judicial District, and especially the prisoner's destitute wife and children, have petitioned for his pardon, which appears to me to be an act of probable justice to the guilty, and of certain humanity to the innocent. April twenty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Daniel Newman..	Los Angeles.	Manslaughter . .	November, 1870	Four years.

' DECISION.—Whereas, the Judge who sentenced him, the jurors by whom he was tried, and the attorneys who prosecuted the case, together with a large number of other citizens of Los Angeles County, have petitioned for his pardon, notice of an intention to apply for

which has been widely published without eliciting objection or remonstrance; and from a consideration of the established character of the prisoner in the community where he lived, and of the evidence given at his trial, the punishment he has now suffered appears to be sufficient. May fifth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Oscar Cohn .....	San Francisco.	Grand larceny. ....	January, 1870 ....	Six years.

\* DECISION.—Whereas, the prisoner received a sentence so severe as to be disproportionate to the crime he committed, and of such comparative injustice, that both the District Attorney, and the Judge who sentenced him, have joined with others in petitioning for his release; and he has been incarcerated now three years and four months, is a cripple, and deserves consideration for his good conduct at the prison, his evident reformation, and his ample punishment. May thirteenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
A. J. Stow.....	Sonoma .....	Bigamy.....	July, 1872.....	Two and one half years.

\* DECISION.—Whereas, it appears from the certificate of the physician at the prison that the prisoner is an inmate of the hospital there, is paralyzed, and is perfectly helpless; and is therefore beyond the reach of reformation by prison discipline, or of punishment by confinement at labor; and charitable persons have offered to remove, support, and properly care for him without expense to the State or to the local government. May twenty-first, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Henry W. Rankin.	San Diego ....	Robbery ... ..	September, 1870	Eight years.

DECISION.—Whereas, the statements of the Judge who sentenced him, and of disinterested persons who have given the case especial attention, create grave doubts of the prisoner's guilt; and such doubts are strengthened by the exemplary conduct of the prisoner, by his apparent character, and especially by the sworn statement of Edward Healy (recently discharged from San Quentin at the expiration of the term of his sentence for this same robbery), who declares on oath that Rankin is innocent of the crime. June tenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
M. H. Gough. ....	Solano .....	Grand larceny....	August, 1872.....	Two years.

**DECISION.**—Whereas, an examination of the circumstances attending the case shows that the guilt was mitigated, and that the term which the prisoner has now served would have and has been punishment sufficient for the crime; and his pardon has therefore been petitioned for by the Judge who sentenced him, by the District Attorney who prosecuted the case, by the victim of his guilt, and by most of the officers and many of the prominent citizens of Solano County. August eighteenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Daly.....	San Francisco.	Buggery .....	December, 1872.	Five years.

**DECISION.**—Whereas, the prisoner was at the date of his conviction a boy seventeen years old, ignorant rather than criminal, and probably not aware of the grave nature of his offense, and the Judge before whom he was tried, having been compelled by the verdict and by law to impose the severe sentence, being allowed by statute no discretion in the premises, has set forth in writing the facts elicited at the trial, and has petitioned for his pardon; in which petition the District Attorney and many other citizens of San Francisco have joined; and it appears to me that a conditional pardon may be of great benefit to the boy, without injury to public interests. He is discharged upon condition that he leaves the State prior to December one, eighteen hundred and seventy-three, and does not return prior to December one, eighteen hundred and seventy-seven. September eleventh, eighteen hundred and seventy-three. (Pardon on condition he depart from this State prior to December one, eighteen hundred and seventy-three, not to return till eighteen hundred and seventy-seven.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Horn.....	Butte... ..	Grand larceny .	July, 1872.....	Five years.

**DECISION.**—Whereas, the prisoner cannot live long, the physician at the Prison having certified that he is dangerously ill; that his complaint is chronic and tends to consumption; and that he has lost one eye and is in immediate danger of becoming totally blind. And whereas, friends of the prisoner and his suffering family have agreed to care for him and procure the services of a skillful oculist to relieve him. October fourth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Poole.....	Sonoma.. ..	Grand larceny and robbery.	January, 1870....	Ten years.

**DECISION.**—Whereas, publication has been duly made according to law of notice of intention to apply for his pardon, and no objection or remonstrance has been received from any source; but on the contrary, a petition for his pardon, very numerously signed and setting forth that the prisoner is young and was convicted on the testimony of an accomplice, has been presented to me; and the Judge before whom he was tried, and the District Attorney who prosecuted him, have written letters asking for his pardon on the ground that the punishment already inflicted is sufficient. October seventh, eighteen hundred and seventy-three. (Future conviction to render this pardon void.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Eckholm.	El Dorado ...	Murder 2d degree.	May, 1864.....	Life.

\*DECISION.—Whereas, the Legislature of this State, at its nineteenth session, recommended his pardon, and a petition therefor has been numerously signed by persons living in the neighborhood of the scene of his crime, and no protest has been received. And it is shown to my satisfaction that the crime was committed without deliberation, and the prisoner, now sixty-six years old, during his incarceration of nearly ten years has never violated any regulation of the Prison, but has conducted himself so as to receive the especial commendation of the officers in charge. October thirty-first, eighteen hundred and seventy-three.

NOTE.—Those marked ( ' ) have been restored to citizenship.



## LIST OF PARDONS FROM COUNTY JAILS,

GRANTED BY GOVERNOR NEWTON BOOTH,

*From December 21st, 1871, to October 31st, 1873, inclusive.*

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Andrew Dutel ....	San Francisco.	Assault and battery .....	April, 1871.....	Fifty days, or fine of \$100.

DECISION.—Whereas, communications have been received from the Judge who sentenced him, and from prominent and worthy citizens in San Francisco, recommending that he be pardoned; and the certificate of G. O. Oliveira, a competent physician, shows that said Andrew Dutel has been nearly totally blind for five months, and that confinement in prison would be dangerous to the sight that remains to him, and to his life. December twenty-first, one thousand eight hundred and seventy-one.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
William Houston..	San Francisco.	Assault with dead-ly weapon. ....	September, 1871.	250 days, or fine of \$500.

DECISION.—Whereas, the Judge of the Court wherein he was tried and convicted has petitioned for his pardon and release from confinement, on the ground that the sentence was disproportionate to the offense committed, and that his punishment has already been sufficiently severe, considering the facts established at the trial; in which petition the officers of the Court who were present, and the District Attorney who prosecuted the case, have joined. January ninth, one thousand eight hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Vicente Abulos ...	San Francisco.	Obtaining money under false pretenses.....	March, 1871.....	One year.

DECISION.—Whereas, the said prisoner was confined in jail for two months while awaiting trial, and has been imprisoned nearly eleven months since his conviction; and his conduct has been such, as certified by the prison officers, that, if he had been in the State Prison instead of the County Jail, he would have been released by operation of law a month ago; and the sentence appears to have been disproportionate to the offense, and this

pardon is asked for by the prison officers, and by others of good character and standing in the community. April fourth, eighteen hundred and seventy-two. (Future conviction of any criminal offense to render this pardon void.)

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Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Nathan Cameron..	San Francisco.	Misdemeanor .....	February, 1872..	One year or fine of \$1,000.

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DECISION.—Whereas, the Judge of the said Court before whom the prisoner was tried, and by whom he was sentenced, now petitions for his discharge from custody, and submits for executive consideration, in support of such recommendation and request, a statement of facts and circumstances relating to the conviction and sentence, and warranting the conclusion that the prisoner has already received due and exemplary punishment, and may be justly restored to liberty; and whereas, a number of citizens of high character—residents of said city and county—have likewise petitioned for the release of the said prisoner. May second, eighteen hundred and seventy-two.

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Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thomas Hamilton.	San Francisco.	Misdemeanor.....	February, 1872..	One year or fine of \$750.

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DECISION.—Whereas, the Judge of the said Court before whom the prisoner was tried, and by whom he was sentenced, now petitions for his discharge from custody, and submits for executive consideration, in support of such recommendation and request, a statement of facts and circumstances relating to the conviction and sentence, and warranting the conclusion that the prisoner has already received due and exemplary punishment, and may be justly restored to liberty; and whereas, a number of citizens of high character—residents of said city and county—have likewise petitioned for the release of the said prisoner. May second, eighteen hundred and seventy-two.

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Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Robert Magness. ...	Napa.....	Misdemeanor. ....	April, 1872.....	Ninety days.

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DECISION.—Whereas, it appears from a petition for his release from confinement, signed by citizens of high character, that the prisoner has now been confined in jail for about six weeks, and has been already more than sufficiently punished for his offense, which said offense was the result of indiscretion rather than of intent. May eighteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Michael Hughes....	Solano.....	Resisting an officer.	August, 1872.....	Six months or fine of \$150.

DECISION.—Whereas, the prisoner was summoned for jury duty in a Justice's Court, and, being then under the influence of intoxicating liquor, did not understand the summons, and defaulted, whereupon an attachment for contempt was issued against him, under which he was arrested, while yet intoxicated, and while in custody resisted the officer; and it appears from the petition for his pardon, signed by the Judge who sentenced him, the committing magistrate, and other officers of Solano County, that the prisoner is well known to be an honest and industrious man. November seventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
A. G. Caldwell...	San Francisco.	Petit larceny. ....	September, 1872.	Six months.

DECISION.—Whereas, petition for his pardon has been presented to me, showing that, in the opinions of those whose positions qualify them to judge correctly, the prisoner ought to be now released, in order to enable him to provide for helpless ones dependent upon his exertions for their support, which petition is signed by the Mayor, the Chief of Police, and several Police Captains, as well as by a number of other well known citizens of San Francisco; and, believing from representations made that said prisoner is not a hardened offender, and that his further imprisonment is not necessary for the good of society, or to satisfy the ends of justice. November eleventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Geo. D'Arcy Armstrong .....	San Francisco.	Misdemeanor. ....	August, 1872.....	Six months.

DECISION.—Whereas, the prisoner was convicted on four charges of misdemeanor, and sentenced to three months imprisonment on the first charge, and to imprisonment for one month on each of the others, and has now served the term of his first sentence; and whereas, numerous respectable citizens of San Francisco, including M. G. Cobb, J. Naphthaly, Milton Andros, Wm. Gouverneur Morris, I. W. Lees, Police Captain; C. G. Welling and A. Bahrs, jailors, and Sullivan Turner, W. H. Rhodes, Wm. M. Pierson, B. Thompson, E. W. Taylor, and Paul Newman, members of the Bar. Now, believing that the ends of justice will be satisfied by the imprisonment suffered and the condition imposed in this pardon. November eleventh, eighteen hundred and seventy-two. (The condition of this pardon is that he depart from this State November thirtieth, never to return.)

Names of Prisoners	County.	Crime.	Sentenced.	Term.
John Gordella and John Devigio ...	Calaveras.....	Petit larceny. ....	September, 1872.	Two hundred and fifty days in default of payment of fine, \$500.

**DECISION.**—Whereas, it appears from credible statements, and from a petition for their pardon signed by A. N. Coulter, S. L. Prindle, and M. G. Lewis, Supervisors of Calaveras County, and by a number of the members of the Bar, and by a majority of the jurors who found the said prisoners guilty, that the sentence was disproportionate to the offense, and that the prisoners having been sufficiently punished, may now be released with advantage to the county, safety to the community, and justice to themselves. November twenty-eighth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Shep. C. Masters...	Butte.....	Assault and battery .....	August, 1872.....	Two hundred and fifty days, or fine of \$500.

**DECISION.**—Whereas, upon petition signed by a number of well known and respectable citizens of Butte County, including the prosecuting witness, and upon the statement that the mother of the prisoner is very ill in the Eastern States, and that means have been sent to defendant to defray his expenses to the place where his mother resides. Pardon granted on condition that defendant leave the State before the first day of January, A. D. eighteen hundred and seventy-three, and do not return for five years. December fourteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Gerran.....	San Franc'sco.	Assault with deadly weapon.....	December, 1869.	Until judgment of Court he satisfied in default of fine of \$800.

**DECISION.**—Whereas, being unable to pay the fine, he was confined in the County Jail for about six weeks, and was liberated upon an appeal bond, since which no further action has been had in the case; but, by advice of counsel, he has been led to believe that it had been dismissed, until, a few days since, it came to his knowledge that no appeal was perfected, and that the judgment still remained un-satisfied and liable to be enforced at any moment. And, whereas, a petition, reciting these facts and praying for his pardon, has been presented to me; and amongst other petitioners E. W. McKinstry, County Judge, and D. J. Murphy, District Attorney, recommend that he be pardoned. January seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Chs. F. Cartwright	Santa Clara....	Assault to do bodily harm.	February, 1873...	Ninety days.

**DECISION.**—Whereas, the prisoner has now been confined for more than sixty days, conducting himself properly during the time, and the County Judge, the District Attorney, the Sheriff, and the Under Sheriff of Santa Clara County, from motives of mercy to the prisoner's family, have petitioned for his pardon. May seventeenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Julius Muller.....	Napa .....	Petit larceny .....	April, 1873.....	Ninety days.

DECISION.—Whereas, the prisoner has now been incarcerated thirty-eight days, and the County Judge, the District Attorney, the Sheriff, and the Under Sheriff of Napa County, have petitioned for his pardon in order that he may be removed to the Infirmary to undergo a surgical operation, that is certified by the County Physician to be immediately necessary, and to be a dangerous operation if performed at the prison. May thirtieth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
John Hays, .....	San Francisco.	Vagrancy .....	April, 1873.....	Ninety days.

DECISION.—Whereas, the prisoner has now served forty-two of the said ninety days, and a firm doing a manufacturing business in San Mateo County have offered to take him into their service there, and to give him constant employment and satisfactory wages—an arrangement by which both the City of San Francisco and the prisoner will be benefited. June tenth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Con. Miller.....	Sacramento....	Petit larceny .....	June, 1873.....	Six months.

DECISION.—Whereas, the evidence upon which he was convicted was purely circumstantial, and did not really prove anything beyond the fact that he was stupidly drunk at the time of the alleged theft; and the Judge who sentenced him now petitions for his pardon on the ground of doubtful guilt, and because the punishment is now sufficient. August ninth, eighteen hundred and seventy-three.

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
George Olwell.....	San Francisco.	Petit larceny.....	May, 1873 .....	Six months.

DECISION.—Whereas, the prisoner has now served nearly four of the six months of his term, and his father being anxious to receive him at his home in New York, has sent money to his friends to enable him to leave this State; and whereas, the Police Judge, the District Attorney, the Chief of Police, and the Sheriff of San Francisco have petitioned for his pardon, knowing him to be willing and ready to return to New York, and believing him to be capable of reformation and anxious to redeem his character. Let him be discharged from custody on the condition that he depart from this State within ten days and never return. August twenty-third, eighteen hundred and seventy-three. (The condition of this pardon, that he depart from the State within ten days and never return.)

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Joseph J. Dunn.....	Sacramento ....	Assault with deadly weapon .....	September, 1873..	Thirty days.

DECISION.—Whereas, a petition for his pardon has been signed by many good citizens, and the Judge who sentenced him, and several of the jurors by whom he was tried, have signed the statement that the assault was without malice; and the prisoner has been sufficiently punished for his offense. October first, eighteen hundred and seventy-three.

## COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR NEWTON BOOTH,

*From May 10th, 1872, to , 1873, inclusive.*

Name of Prisoner.	County.	Crime.	Sentenced.	Term.
Thos. C. Lloyd .....	San Francisco.	Manslaughter.....	October, 1870.....	Ten years.

DECISION.—Whereas, notice of intention to apply for his pardon has been duly published in accordance with law, without eliciting objection or remonstrance from any source, and the previous good character of the prisoner, and his constantly correct behavior during his incarceration, considered in connection with the earnest solicitations of his friends, and the petitions of many citizens of good character, seems to warrant and justify a diminution of the said penalty; and it appears to me that such an act of mercy to the large and dependent family of the said prisoner, may, with propriety, be exercised. May tenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	*Sentenced.	Sentence.
James Bushton ...	Monterey .....	Murder 1st degree.	March, 1872.....	Death.

DECISION.—Whereas, since the trial, conviction, and sentence to death of the said James Bushton, his brother, George Bushton, has been tried before the same Judge for the same offense, and has been found guilty of murder in the second degree; and this difference in the verdicts of the respective juries resulted from the introduction of new defensive testimony, when George Bushton was tried; and it appears conclusively to my mind, from petitions, statements of facts, and various letters from a number of well known citizens of Monterey County; from the Judge of the said Court, from other officers thereof, and from the Prosecuting Attorney, that the death penalty ought not to be inflicted upon the said James Bushton—let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. June seventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
William Williams.	Siskiyou .....	Murder 1st degree.	January, 1871 .....	Death.

DECISION.—Whereas, the case having been finally decided on appeal by the Supreme Court of this State, so that no hope of a reversal of sentence or delay of execution was left; and whereas, the said Williams being thus under sentence of death, made his escape

from jail without personal violence; and whereas, the officers who were responsible for his safekeeping, after exhausting other means for his capture, caused information to be conveyed to him that his sentence had been commuted to imprisonment for life, and the said Williams, believing such information to be true, surrendered himself. Now, believing that the State ought not in any manner to be a party to a violation of faith, even to the guilty, and, least of all, in a matter involving life and death—therefore let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. July thirteenth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
Wm. A. Hart. ....	Tulare .....	Murder 1st degree	June, 1872.....	Death.

DECISION.—Whereas, William A. Hart was tried and convicted of the crime of murder in the first degree, and sentenced to be hanged the twentieth day of December, A. D. eighteen hundred and seventy-two, and, whereas, after the conviction of said Hart, K. H. Kinney, who was jointly indicted with Hart for the murder of one Levi M. Fletcher, withdrew his plea of not guilty, and pleaded guilty to the indictment, and in his confession in open Court, solemnly stated that he (Kinney) did the killing alone, and that Hart was not present thereat, and did not aid and assist therein; and, whereas, since the conviction and sentence of the said Kinney, he has made an affidavit wherein he asseverates in most solemn manner the truth of the statements made in his said confession: and, whereas, the evidence given on the trial of Hart, if uncontradicted, is not clear and conclusive to my mind as to his presence at the killing of said Fletcher: and, whereas, from the manner of the appeal, it was impossible for the Supreme Court to pass upon any of the matters herein stated and order a new trial; and, whereas, the evidence given on the trial of said Hart, shows a criminal negligence upon his part in not attempting to prevent the killing of said Fletcher, and discloses a motive for such negligence which might have been sufficient to convict him as an accessory if he had been indicted, tried, and defended upon that charge. Let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. December twelfth, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
Wm. Donovan.....	San Francisco.	Murder 1st degree	December, 1871.	Death.

DECISION.—Whereas, William Donovan was tried and convicted of murder in the first degree, and sentenced to be hung on the thirteenth day of December, A. D. eighteen hundred and seventy-two, and from which sentence a reprieve was granted staying such execution until the twenty-seventh day of December, A. D. eighteen hundred and seventy-two. And, whereas, on the night preceding, and on the morning of the day fixed for the execution of said defendant, I have received numerous letters and petitions from citizens asking for a commutation of punishment; among others, a unanimous resolution of the San Francisco Stock and Exchange Board; a statement from a well known citizen, that a petition numbering several thousand names had been left with him, asking for a commutation—that no one refused to sign, and thousands more could be procured if there were time; also, a petition by telegraph, signed by O. C. Pratt, J. P. Jones, E. F. Beale, J. B. Haggin, George T. Hooper, Thomas Brown, Joseph A. Dommhoe, George P. Ihrie, Alex. G. Abell, N. B. Stone, Charles N. Felton, Alex. Austin, J. E. De La Montaigne, J. P. H. Wentworth, F. A. Sawyer, H. P. Wakelee, George O. Whitney, Thomas P. Madden, J. C. Pelton, John Beard, George Hearst, G. T. Lawton, J. G. Eastland, Geo. D. Roberts, P. C. Lander, J. P. Dyer, E. E. Eyre, O. Livermore, P. McShane, August Henne, A. J. Bryant, J. W. Gashwiler, R. C. Page, E. N. Casey, R. H. Lloyd, H. F. Williams, J. D. Fry, C. R. Greathouse, Owen Thome, G. B. Hitchcock, A. G. Kinsey, R. Swain, R. C. Rogers, G. F. Sharp, J. C. McCeny, T. J. Gallagher, G. N. Cassell, S. M. Taylor, George W. Sniley, J. J. McGlynn, F. Franconi, E. D. Baker, C. M. Leavy, J. C. Stebbins, Louis Cohen, S. G. Harding, G. G. W. Hoge, D. H. Regensberger, Samuel J. Rey-



nolds, P. W. Van Winkle, James Barrett, R. T. Goodwin, Joseph Austin, J. Hammil, W. F. Harrison, A. J. Ellis, David Mahoney, Edward Cahill, and T. McCarthy. And, whereas, such a manifestation of public opinion at so critical a time, seems to place me in the cruel position of seeking the life of the prisoner to maintain my consistency. Now, therefore, although after a careful examination of the evidence in the case, I am of opinion that the prisoner had no legal defense to the charge of which he was convicted, and that the only circumstance which should mitigate the penalty fixed by law, is the possibility that at the time of the commission of the crime the mind of the prisoner may have been in a state bordering on delirium, from intemperate drinking; yet, in mercy to myself, out of consideration to the feelings of the petitioners, in deference to what I believe to be public opinion in this case, out of tenderness for human life, and perhaps from a lack of moral courage which is willing to divide the responsibility of a most painful duty even with those who, from the nature of the case, cannot have given the subject that anxious examination which I have myself—let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. December twenty-seventh, eighteen hundred and seventy-two.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
R. H. Keeny .....	Tulare. ....	Murder 1st degree	June, 1872. ....	Death.

DECISION.—Whereas, R. H. Keeny, having pleaded guilty to an indictment for murder, was adjudged by the Court to be guilty of the crime of murder in the first degree, and was sentenced to death, the date for the execution of the sentence and of the said prisoner being now fixed on the seventh day of March, A. D. eighteen hundred and seventy-three; and, whereas, the said R. H. Keeny, when his case came on for trial, pleaded guilty to the indictment under the impression and belief that such plea would be accepted by the Court as a plea of guilty of murder in the second degree; and, whereas, after a careful examination of the testimony given upon the trial of Wm. A. Hart, who was indicted jointly with the said Keeny, and of the statement of the said Keeny, upon which statement and testimony the Court fixed the degree of guilt, I am of opinion that no jury, upon a fair trial, would have found the said Keeny guilty of murder in the first degree, because, for wrongs such as he has suffered, in the seduction of his wife and the taking away of his wife and child, there is no "cooling time," and that a killing done at the instigation of the memory of such wrongs (kept alive and aggravated in this case by the taunts and suggestions of false or thoughtless friends, and by continuous hints of the stain of bastardy), is really done in the heat of passion, and does not deserve the extreme penalty of the law. Let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. February sixth, eighteen hundred and seventy-three.

# REPRIEVE OF SENTENCE,

GRANTED BY GOVERNOR NEWTON BOOTH.

Name of Prisoner.	County.	Crime.	Sentenced.	Sentence.
John Devine.....	San Francisco.	Murder in First Degree.	——, 1873. ....	Death.

DECISION.—Whereas, at the January Term, A. D. eighteen hundred and seventy-three, of the District Court of the Twelfth Judicial District, held in and for the County of San Francisco, John Devine was tried upon an indictment for murder, and having been convicted of the crime of murder in the first degree, has been sentenced to death, and the date for his execution fixed on the ninth day of May, A. D. eighteen hundred and seventy-three; such conviction and sentence having been confirmed in the Supreme Court of this State only two days before the time set for the said execution. Now, therefore, at the request of the Judge of the Twelfth District Court, the District Attorney of San Francisco, and the spiritual adviser of the condemned man, by virtue of authority in me vested, I do hereby grant a reprieve to the said John Devine until the fourteenth day of May, A. D. eighteen hundred and seventy-three, in order that he may prepare for death; and do hereby direct the Sheriff of San Francisco to postpone the execution of the said sentence for five days, and to carry the said sentence into effect on Wednesday, the fourteenth day of May, A. D. eighteen hundred and seventy-three. May eighth, eighteen hundred and seventy-three.

# RESTORATIONS TO CITIZENSHIP,

BY GOVERNOR NEWTON BOOTH,

*From February ninth, eighteen hundred and seventy-two, to October thirty-first, eighteen hundred and seventy-three, inclusive.*

Persons Restored.	County.	Crime.	When Sentenced.	Term.	When Restored.
Thomas King.....	Placer .....	Robbery .....	September, 1860 .....	Eight years.....	.....February 9, 1872.
James Lowe.....	Tehama .....	Grand larceny .....	May, 1870.....	Two years .....	.....February 9, 1872.
James Miller.....	El Dorado.....	Grand larceny .....	October, 1866 .....	Two years .....	.....May 21, 1872.
Adolfo Celis.....	Los Angeles.....	Manslaughter .....	May, 1870.....	One year.....	.....June 14, 1872.
Nase Monton.....	Nevada .....	Grand larceny .....	February, 1856 .....	Two years .....	.....August 15, 1872.
Isaac Hawley .....	San Bernardino.....	Grand larceny .....	June, 1861.....	Two years .....	.....October 15, 1872.
Hans Reinhardt .....	San Francisco.....	Grand larceny .....	April, 1864.....	Three and one sixth years.	.....February 25, 1873.
John Sachelle.....	San Francisco.....	Grand larceny .....	March, 1865.....	Four years.....	.....May 6, 1873.
Lewis J. Drabblesby .....	Sierra .....	Robbery .....	September, 1865 .....	Twelve years.....	.....August 14, 1873.

## REPORT

OF THE COMMISSIONERS APPOINTED TO SELECT A SITE FOR A  
NEW ASYLUM FOR THE INSANE.

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To His Excellency,  
NEWTON BOOTH,  
Governor of California:

SIR: Having been appointed by your Excellency as Commissioners to select a site for a new Asylum for the Insane, and having discharged the duties assigned us, we herewith respectfully submit our report.

The following article, from the *Sacramento Union* of April nineteenth, will show the organization of the Board, the general principles by which it would be guided, and the notice given to all whom it might concern:

### "COMMISSIONERS OF STATE INSANE ASYLUM.

"C. H. Swift, of this city, Dr. G. A. Shurtleff, of Stockton, and Dr. E. T. Wilkins, of Marysville, Commissioners appointed by Governor Booth to select a site for the State Asylum for the Insane, met yesterday at the office of C. H. Swift, and having taken the usual oath of office, organized by electing C. H. Swift as Chairman, and Dr. Wilkins as Secretary. Matters pertaining to the duties of the Board were freely discussed, and a few general propositions agreed upon. The bill authorizing the selection of a site for the new Asylum provides that it shall be in the central and western portion of the State, embracing the bay counties, but did not specify the northern or southern boundary. The Commissioners, therefore, resolved that they would not extend their search for a site farther south than the southern line of Santa Cruz, nor farther north than the northern boundary of Sonoma County, thus embracing all the counties around the bay, and within easy reach of the City of San Francisco.

"The bill wisely provides that 'in making a selection of a site for said institution, the Commissioners shall not be influenced by any offers of money or property, but shall decide upon said site solely upon the grounds of healthfulness, adaptability to the purposes of the institution, and convenience of access from different parts of the State,' thus leaving the Commissioners entirely free to make such selection as, in their judgment and discretion, may seem to be for the best interest of the insane and the State. Should they find two or more localities, however, presenting equal claims and advantages in all other respects, they will deem it their duty to choose that which will be least expensive to the State. They desire to find, among other things, a tract of land containing not less than one hundred acres, in a healthy and accessible locality, and with fine scenery and pleasant surroundings, which can be easily

supplied with an abundance of pure fresh water; that it shall be easily accessible at all seasons of the year; and for this reason, that it shall be near some railroad or water communication; and that it shall be near some town of considerable size, so that the constantly occurring wants which cannot be foreseen may be readily and conveniently supplied.

"The Commission being organized, communications and information may be addressed to C. H. Swift, Chairman, or either of the other Commissioners, at their respective places of residence. The Commission adjourned, to meet at the Grand Hotel, San Francisco, on the last Tuesday of April (thirtieth), to make preliminary visits to such places and localities as may hereafter be agreed upon. Persons addressing the Board should be specific in all their statements, giving the exact distances from railroad and town, price of land, facilities of drainage, and all other matters coming within the above requirements."

Governed by these general principles, and actuated by the desire to find a location possessing all, or as many, of the foregoing advantages as possible, and especially one of easy access to the great City of San Francisco, from which at least one half or two thirds of the patients committed to this Asylum must come, it was determined by tacit consent, if not by agreement, that no place should be selected beyond the reach of easy visitation from that city in one day. Sundry places located in the Counties of Marin, Sonoma, Napa, Contra Costa, Solano, Alameda, San Mateo, Santa Clara, and Santa Cruz, were visited by the Board, and the advantages of each duly considered.

Sites possessing *some* of the prescribed requisites were found in *all* of the localities visited. In most, fair locations could have been obtained, but only *two sites* were found possessing *all* of the advantages named, viz., salubrity of climate, equable temperament, convenience of access, nearness to railroad communication, vicinity of some town or city, beauty of scenery, freedom from mosquitoes, facilities for drainage, and an abundant supply of pure fresh water, that can be brought to the top of any building. One of these sites, a map of which is herewith submitted, has been unanimously selected by the Board.

It is situated one mile and a half southeast of Napa City, and contains two hundred and eight acres of land, of which about forty acres is bottom land, one hundred and sixty table land, and eight acres of mountain land.

Most of the bottom land is well adapted to the growth of vegetables, hay, etc. The table land is said to be fine grain land, and well adapted to the production of the grape, and other fruits; and as it rises at an elevation of eighty feet to the mile, it possesses a fine site for the buildings, and offers facilities for a perfect system of sewerage and drainage. A fine stone quarry of good building material is upon the eight acres of mountain land, and adds materially to the value of the tract. The water supply is from a mountain brook of never failing source, on an adjoining tract belonging to Nathan Coombs, Esq., who has generously entered into bonds, in the sum of twenty thousand dollars, to convey to the State, for a nominal consideration, all the water privileges that may be required on the Asylum grounds for whatsoever purpose, now and forever, "reserving only the right to take from the water works and pipes, or either of them, any excess of water above and beside what is required for the Asylum and grounds; the State, by its respective agents alone, to determine when there is any excess." And at the distance of

three fourths of a mile from the east line of the place selected, the water supply may be obtained at an elevation of two hundred feet.

The tract is bounded on the west by the Napa Valley Railroad, about half a mile from the site where the buildings will probably be erected; and in full view of Napa City, and the site selected for an Odd Fellows' College, on the west side of the valley.

This land is the property of Don Cayetano Juarez (one hundred and eighty-one acres), and J. H. Thompson (twenty-seven acres), who have given bonds in the sum of twenty thousand dollars each (all of which are herewith submitted), \* to convey the land to the State for the sum of sixty dollars per acre—a reasonable price. In each case the money to be paid on or before the thirtieth day of January, eighteen hundred and seventy-three. It is to be regretted that no meteorological tables have been kept at Napa City, as the temperature of the valley varies much in different localities.

The upper portion being shut off by a range of mountains from the breezes of the bay, is warm in Summer, while that from Napa City to the bay has no such obstruction, and is, therefore, cool and pleasant; at least, such is the unanimous testimony of those who are familiar with its seasons.

As an evidence of the freedom of this locality from malarial influences, we were informed by Doctor Stillwagon, who has practiced medicine there for twenty years, that he has never been called upon to treat a single case of chills.

Taking all things into consideration, it is confidently believed that *no asylum in existence* combines more advantages of location than pertains to this, and the Board is more than gratified at having found so admirable a site for the new Asylum.

The other place alluded to is situated one mile west of Redwood City, on the estate of Horace Hawes, deceased, and known as Mount Eagle. It possesses *all* the advantages that pertain to that at Napa, and has some desirable features in addition. It is more accessible to San Francisco, from which city most of the patients must necessarily be sent.

It can be reached in half the time, and for but little more than half the cost of fare to Napa. There is upon the premises a natural mound for the erection of buildings, from which a splendid view of the bay is obtained, in addition to other charming scenery, all of which are most desirable.

But this place is still in litigation, and no one has power to confer a title. Its selection, therefore, was, of necessity, abandoned.

This place was valued at two hundred and fifty dollars per acre, a little more than four times the price of that selected by the Board.

The same quantity of land, including Mount Eagle, as has been agreed upon at Napa, would have cost the State forty thousand dollars more, and may well be taken into consideration.

That region of country immediately in the rear of Oakland, Brooklyn, and Alameda is beautiful in the extreme, perhaps unequalled by any in the State, and its climate unobjectionable, but an independent water supply could not be found in connection with other desirable, if not necessary, requisites, and in all cases, the desirable places are held at prices that, in the opinion of the Board, were too high to be paid under the circumstances.

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\* The bonds of Juarez and Thompson have been sent to the Recorder of Napa County for record.—C. H. SWIFT.

A place of similar size (two hundred and eight acres) and possessing like advantages with those at Napa or Redwood City, would, if in the vicinity of Oakland, probably be held at seventy-five thousand dollars or one hundred thousand dollars, which, in addition to other considerations, in our judgment was a sufficient reason for the selection made.

There are also many beautiful places on the peninsula between San Francisco and San José, but with the exception already noted, none possessed the advantages of the Napa tract. In the Pajaro Valley two sites were found, which, though equal in themselves to any visited, were considered too far from San Francisco and from the railroad for the purposes of this Asylum.

Indeed, we may add that the climate of Santa Cruz County and City is very desirable, and the scenery surpassingly beautiful.

In conclusion, we take pleasure in acknowledging our obligations and returning our thanks to the citizens of all the places visited, for the innumerable acts of kindness, courtesy, and hospitality, and if we have not been able to conclude that each place was superior to all others, it is nevertheless hoped that it will be conceded that we have been actuated solely by what we conceived to be the best interest of the State, and of that class of suffering humanity who are to be the beneficiaries of the Asylum.

August 2d, 1872.

C. H. SWIFT,  
E. T. WILKINS,  
G. A. SHURTLEFF.

Approved, August 12th, 1872.

NEWTON BOOTH,  
Governor.

THOS. M. LOGAN,  
Secretary State Board of Health.

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OFFICE OF CALIFORNIA STATE BOARD OF HEALTH, }  
SACRAMENTO, August 10th, 1872. }

*To His Excellency, NEWTON BOOTH:*

DEAR SIR: I have the honor to inform you that, in compliance with your expressed wishes, I visited, on the eighth instant, the site selected by the Commissioners for a new Asylum for the Insane. I passed a great part of the day in riding over and inspecting the grounds, with a view to adaptability for the purposes contemplated. It affords me great satisfaction to be able, not only to confirm all that has been so graphically described by the Commissioners, as to the topography, accessibility, and other essential requirements, but also to express my surprise and pleasure at the admirable surroundings and picturesque scenery appertaining to the locality in question. Rising gradually, as the land does, at the rate of eighty feet to the mile from the bottom land, where the Vallejo and Calistoga Railroad traverses, it affords, at about half a mile from this, its western boundary, an excellent site for the erection of the buildings, embellished by a natural growth of a few oaks, and commanding a panoramic view of the circumjacent mountains

and neighboring City of Napa, of exceeding beauty. This latter consideration is of no little importance—it being now the settled opinion of the most able alienists, that in order to ameliorate the condition of the insane, and to effect the greatest possible number of recoveries, too much thoughtful attention cannot be given to the location of the buildings, so that every advantage may be derived from the views and adjacent scenery.

With all due deference to the economic ideas of the Commissioners, who have manifested too nice a sense of the extent of the pecuniary responsibility involved in the high trust confided to them, I must here express my regret that provision has been made for the purchase of only eight acres of the mountain land on the eastern line. In my judgment, a sufficient quantity of this portion of the tract should have been obtained to encompass the mountain brook, for which a water privilege is to be held, conformably with a bond to be entered into with Mr. Nathan Coombs, the proprietor. Pure, bright, and sparkling as this water now is, the least animal refuse or organic matter may poison it at its source, and convert it from an hygieian fount into a stygian stream. Apart from the importance, therefore, of securing this land while it can be purchased at a reduced price, as I have been assured by Mr. Coombs, it must be remembered that, as has been justly laid down by the State Commissioner in Lunacy, in his exhaustive report, "at least half an acre of land for each patient to be accommodated, not only for farming and gardening purposes, but for pleasure and exercise grounds as well," should be provided. Now, if the projected buildings are to be constructed for the accommodation of five hundred patients, two hundred and eight acres would not afford the requisite proportion of ground, as above specified. Without wishing to throw any impediment in the way of the immediate consummation of the project for a much needed branch asylum, but merely offering these remarks, sir, as suggestive, before making your final decision, I proceed to state that not only as regards topographic, but also climatic fitness and salubrity, do I find the site most judiciously selected. In the absence of any continuous series of instrumental proofs of the temperature, and other meteorological phenomena of a reliable nature, I have satisfied myself from some fragmentary observations of others, as well as mine own, that no more equable nor more salubrious climate can be found in any other part of the State north of Santa Barbara, so far as my present knowledge extends. On the day I passed at Napa the thermometer, and course and force of the winds were carefully noted by me; and I find that the reading of the former was ten degrees less at Napa City at two P. M., in the Revere House—where I then was—than it was here at the same hour of the same day, in the Central Pacific Railroad Company's office. During the late "heated term," which was felt more or less everywhere, the comparative maximum temperature of Sacramento and Napa City, stands as follows:



*Maximum temperature.*

1872.	Sacramento.	Napa City.	Difference.
August 1st .....	96°	80°	16°
August 2d.....	98°	79°	19°
August 3d.....	99°	75°	24°
August 4th.....	94°	75°	19°
Mean .. .....	96.7°	77.2°	19.5°

It will be seen that there was a difference of nearly twenty degrees between the mean maximum temperature here and at Napa City. These observations for the latter place were registered at the Revere House, and are verified by the most respectable citizens.

From some thermometrical observations made for four consecutive months, during the Summer of eighteen hundred and fifty-six, by Mr. James M. Thompson, of Suscol, I am enabled to construct another table for the purpose of comparing the mean Summer temperature of Napa City with that of San Francisco and Sacramento.

*Mean temperature.*

1856.	May.	June.	July.	August.	Mean.
Sacramento .....	63°	72°	76°	76°	71.7°
Napa City.....	59°	63°	60°	63°	61.2°
San Francisco.....	58°	62°	59°	59°	59.5°

The influence of the trade winds upon the Summer temperature of these three points is here plainly demonstrated. At San Francisco there is no obstacle presented to the force of the chilling oceanic winds, which rush directly through the Golden Gate, with increased momentum, as through a funnel; whereas, at Napa City, such is the conformation of the valley, these winds are broken in violence by the opposing mountain barriers. At Sacramento, distance still further modifies the same winds, which, having a common origin, are deflected in their course by the Contra Costa mountains, and reach us, with much diminished force, as S. S. E. winds.

Were it not for the peculiar arrangement of the mountains, Napa City would suffer as severely from the oceanic winds as Vallejo and Benicia. As it is, the climate at Napa City affords such a tempered medium between our interior heat and the chilling winds of the coast regions, as would allow the majority of all the inmates of the Asylum, under proper regulations, to take out-of-door exercise for at least a couple of hours, morning and afternoon, for all seasons; and in warm weather, when suitable shade trees, arbors, walks, and seats are provided, they may beneficially spend one half of the entire day in the open air.

With regard to the *salubrity* of the climate and location—a most important alleviative, or rather curative agency—I would remark that the testimony of all the resident physicians of Napa City is to the effect of the absolute freedom of the surrounding country from malarial diseases. Dr. M. B. Pond, who has written most explicitly on this point, states: “I have resided here six years, engaged in the practice of medicine, and must state that I have not known an epidemic, or even a marked endemic disease to originate here during that period. There is no disease that regularly or even frequently returns at stated periods of the year. Typhoid fevers are scarcely known here; intermittents not at all, except when imported from abroad. Remittent fevers are more frequently met with, but they only occur as sporadic cases, and not at regularly recurring seasons. \* \* \* During the Summer, the thermometer ranges from 65° to 72°, with only occasional exceptions, and these lasting only two or three days at a time.”

Dr. Stillwagon, who has practiced medicine in Napa City for the last twenty years, not only corroborates all that has just been quoted, but affirms that, after careful examination, in his legislative capacity, with Dr. Shurtleff, of the records of the Asylum at Stockton, fewer cases of insanity were sent from Napa City, in proportion to the population, than from any other point in the State. It would seem, therefore, from *a priori* reasoning, that the best place for treating the disease is where the causes exist in the least intensity.

The whole subject, you will perceive, sir, involves questions of the deepest interest and of the most intricate nature, and should be thoroughly grappled with, both by the State and its medical men, if we wish to keep down the number of the insane as small as possible, by healing all that can be healed in the curable stage of their disorders.

Regretting that the very limited time of only four days allowed me, after the filing of the report of the Commissioners, according to the terms of the Act, necessitates so hurried a summary of the facts, which I have been able to possess myself of, bearing on this momentous State charity, and the consequently hasty conclusions I have deduced therefrom, I remain, very respectfully,

Your obedient servant,

THOS. M. LOGAN,  
Secretary State Board of Health.

# REPORT

## ON THE BOOKS AND ACCOUNTS OF THE STATE HARBOR COMMISSIONERS.

His Excellency,  
NEWTON BOOTH,  
Governor of California:

Appointed by you to examine the books and accounts of the State Harbor Commissioners, to ascertain the manner in which they have been kept, and what they exhibit, I have done so for the eleven months beginning December first, eighteen hundred and seventy-one, and ending October thirty-first, eighteen hundred and seventy-two.

This period of time was taken at the request of the Board.

The Commissioners, and more especially their Secretary and his Assistant, have readily and constantly given me access to the books and papers of the office, and have afforded me every facility and all the assistance I have asked for, but it is due to them, as well as to myself, to state that I have consulted but little with either of them.

I have thoroughly examined each separate entry in the books of the wharves, the cash books, and the ledgers, together with their tributary accounts, checking always from the original reports, and from the vouchers for cash expended; have tested the accuracy of every merging or separating computation, footing up every column of figures, omitting nothing, and doing the work as though the result were not yet ascertained; have depended upon the records alone for my conclusions, neither taking anything for granted, nor accepting any statement as true, until shown to be so by my own balance sheet; and it gives me pleasure to report that I have found the accounts neatly and well kept, correct in every particular (except as hereinafter stated), and showing, with the books of the State Controller, a perfect balance.

There are vouchers in the office for every item of both receipts and expenditures, which were as follows, during the period named:

<i>Receipts.</i>		
From rents, leases, etc.....	\$64,716 36	
From dockage of vessels .....	44,050 69	
From tolls on freight.....	24,303 95	
From wharfage on freight.....	18,776 78	
From the State Treasury.....	13,567 58	
		\$165,415 36

## VOUCHERS—Continued.

<i>Expenditures.</i>		
For dredging at wharves.....	\$71,753 60	
For urgent repairs on wharves.....	35,319 81	
For current expenses of wharves.....	26,557 50	
For salaries of Commissioners and Secretaries.....	11,825 00	
For cleaning wharves.....	9,582 00	
For office expenses.....	3,718 08	
For salary of Engineer.....	3,666 67	
For special counsel.....	2,750 00	
For expenses at law.....	242 70	
		\$165,415 36
Excess of expenditures over receipts.....		\$13,567 58

In other words, during the eleven months designated, the Commissioners have drawn:

From the State Treasury.....	\$71,753 60
And have remitted to the State Treasurer.....	58,186 02
Disbursing above their total receipts.....	\$13,567 58

A separate book of accounts is kept with each wharf having a wharfinger, in which books are recorded the names of vessels, their tonnage, dates of arrivals and departures, rates of dockages, and amounts of money collected therefrom. These books show many apparent errors in charges. Accompanying this is a statement of them in detail. It is probable that a large percentage of them are errors more apparent than real, and that if the books set forth (as they do not) whether the vessels occupied outside berths or positions at the wharves, the statement would show less than it does of carelessness, favoritism, or malfeasance.

As shown by the books—the only authority I can well consult—the errors aggregate:

At Clay street.....	\$155 35
At Commercial street.....	49 12
At East street, Market to Mission.....	125 00
At East street, Mission to Folsom.....	900 63
At Eureka Dock.....	25 72
At Front street.....	2 75
At Hathaway's.....	50 35
Carried forward.....	\$1,308 92

## ERRORS—Continued.

Brought forward .....	\$1,308 92
At Howard street.....	508 75
At Jackson street.....	66 25
At Main street.....	21 28
At Market street.....	68 50
At North Point.....	54 27
At Washington street.....	1 00
Total.....	\$2,028 97

The subject of tolls and their collection at the various wharves, requires especial consideration. It seems to be a serious flaw in a business system otherwise well devised, that no check exists whereby a probable estimate even can be made as to the amount of tolls that ought to be collected and paid over to the State. The practice has been to simply appoint a collector, assign to him a wharf, and accept his report, whatever it may show, without question. By the rules and regulations adopted by the Commissioners under the statutes, specified tolls must be paid on every ton of freight passing over a wharf, and so the tolls collected should be in direct proportion to the tonnage of the port. If the wharves were all operated by the State, an estimate could be thus made that would approximate the truth; but many of them being under the control of corporations and individuals, the work of apportioning the tonnage would be very difficult and of doubtful accuracy when done, and it is therefore next to impossible to ascertain anything beyond what is shown by the reports of the collectors.

But the reports themselves are suggestive of the idea that, either from failure to collect or from forgetfulness to pay over, the State has not received her just dues.

At Front street wharf, for instance, the tolls reported in December, 1871, amounted to.....	\$36 50
While those of December, 1872, aggregate.....	422 75
And, at Vallejo street wharf, the tolls reported for December, 1871, were.....	92 50
And those for December, 1872, were.....	530 35

In view of the facts that at the former date the rates were just double those in the latter month; that investigation was not then probable, but is now certain; and that the increase of tonnage discharged and loaded at these two wharves this year is far from sufficient to account for the remarkable difference in the receipts, it seems to be probable that the tolls collected, being unable to report themselves, have, to some extent, not been reported at all.

During the eleven months for which this report is made, the tolls collected at the different wharves amounted to .....	\$24,303 95
And the salaries of the Collectors, to.....	11,550 00
Leaving a profit of.....	\$12,753 95
The monthly average was.....	\$2,269 45
The average for November and December, 1872, is.....	3,439 12

The revenue from wharfage on freight, depending, as it does, on a medley of possible circumstances, and not being necessarily proportionate in any degree to either tonnage, dockage, or tolls, can neither be estimated nor protected, and can be secured to the State in one way only; that is, by having honest men for wharfingers. If many of the men who have been employed at the wharves have been in the habit of using otherwise than lawfully the money collected by them, it is probable that they have swerved a greater proportion of wharfage and tolls than of dockage; for the reason that a close estimate can be made of the latter, whilst the former might be misapplied without much danger of detection.

The total amount reported as having been collected from wharfage during the eleven months ending October 31, 1872, is.....	\$18,776 78
The monthly average being.....	1,706 98
The amount reported for the succeeding months of No- vember and December is.....	4,246 01
An average per month of.....	2,123 00

The aggregate of dockage, wharfage, and tolls reported as having been collected during the eleven months named, is.....	\$87,131 42
The average per month being.....	7,921 04
During the months of November and December, which have elapsed since your attention was directed to the affairs of the Board, the receipts were .....	28,294 08
An average per month of.....	14,147 02

At the inception of this examination, the Commissioners requested a large number of well known business firms of this city to furnish statements showing what had been paid by them, as consignees of vessels, for dockage; and such statements were promptly furnished by B. E. Auger & Co., Balfour, Guthrie & Co.; Samuel Blair, J. M. Buddington; Cross & Co., Albert Dibblee, Dickson, DeWolf & Co.; C. L. Dingley; Dolbeer & Carson; Victor Dumont, Falkner, Bell & Co., R. Feuerstein &

Co.; Forbes Brothers & Co.; Freeman, Smith & Co.; consignees of the vessel Gem of the Ocean; Gildermeister, Mencke & Co.; consignees of the vessel John Hancock; Hanson, Ackerson & Co.; Geo. Howes & Co.; Hutchinson, Kohl & Co.; G. M. Josselyn & Co.; Kittle & Co.; C. Adolph Low & Co.; Henry Lund, Macondray & Co.; McFarlane, Blair & Co.; J. C. Merrill & Co.; Parrott & Co.; Platt & Newton; Pope & Talbot; Rodgers, Meyer & Co.; A. E. Sabatie & Co.; Morris Speyer & Co.; C. L. Taylor & Co.; consignees of the vessel James Townsend; Welch & Co.; Williams, Blanchard & Co., and consignees of the vessel Joseph Wolley.

Afterwards, in response to a widely published request to all consignees of vessels, similar statements were prepared by Goodall, Nelson & Perkins; F. P. & J. A. Hooper; William Gouverneur Morris; William H. Olmstead, and I. W. Raymond.

These statements by consignees are apparently prepared with care. I have been unable to reconcile them with the books of the Harbor Commissioners. They differ very materially from the wharfinger's reports, and to such an extent as to show quite plainly either remarkable errors or serious frauds.

Accompanying this report, as a part thereof—and the most important part—is a complete list of the vessels which are reported as having paid dockage to the State during the eleven months already designated; the amount reported paid on each vessel; the amount shown to have been paid on such vessel, by the statements of consignees; the deficiency in each case, and the name of the wharf.

The aggregates of the deficiencies thus set forth in detail, are as follows:

Clay street.....	\$375 00
Eureka dock.....	244 00
East street, Market to Mission.....	25 25
East street, Mission to Folsom .....	26 00
Front street.....	1,780 71
Hathaway's .....	1,529 37
Howard street.....	36 35
Jackson street.....	54 00
La Rue's.....	218 25
Mission street.....	2,313 49
Market street.....	133 50
North Point.....	579 75
Pacific street.....	298 50
Vallejo street.....	5,343 75
Washington street.....	97 00
Total.....	\$12,683 67

The showing is an incomplete one, but it is as full as the reticence of consignees permits to be made, unless the almost interminable process of constructing a possibly correct statement from the commercial newspapers, were to be adopted.

This deficiency of twelve thousand six hundred and eighty-three dollars and sixty-seven cents is on a total reported collection of sixteen

thousand six hundred and seventy-three dollars and seventy-five cents; in other words, twenty-nine thousand three hundred and fifty-seven dollars and forty-two cents was collected, and only sixteen thousand six hundred and seventy-three dollars and seventy-five cents accounted for to the State. If the proportion thus established were a true one, the deficiency upon the forty-four thousand and fifty dollars and sixty-nine cents reported collected from vessels for dockage would amount to thirty-three thousand five hundred and nine dollars and twenty-two cents; and upon the eighty-seven thousand one hundred and thirty-one dollars and forty-two cents reported collected from wharfage, dockage, and tolls, would amount to sixty-six thousand two hundred and eighty dollars and sixty cents. These figures are given because they suggest themselves, and are not intended to express an opinion.

A large expenditure has been made for dredging—seventy one thousand seven hundred and fifty-three dollars and sixty cents, or two hundred and fifteen dollars and fifty-five cents a day. Up to the beginning of eighteen hundred and seventy, the price paid by the Commissioners was fifty cents for each cubic yard dredged and removed. A contract was then made for dredging at thirty-four cents per cubic yard, which price has since been paid. The bills which have been allowed and paid are all certified to be correct as to number of cubic yards dredged, by the Engineer of the Board.

You will notice that this report contains a brief abstract of the more important of the leases made by the Commissioners. Further than to respectfully direct your attention to those of Broadway Wharf and Greenwich Dock, I have no comments to offer concerning them.

The facts summarized in the foregoing paragraphs are elaborately set forth in the following parts of this report and transmitted herewith:

1. A complete statement of vessels entered at the United States Custom House in this city during the eleven months ending October thirty-first, eighteen hundred and seventy-two, showing date of entry and tonnage of each vessel.
2. A complete statement of all vessels, including coasters, steamers, and barges, that have arrived at San Francisco during the eleven months ending October thirty-first, eighteen hundred and seventy-two.
3. A statement showing the total amount reported by wharfingers to have been paid to the State for dockage on each vessel, the tonnage, the name of the wharf, the amount paid by consignees, and the deficiency.
4. A statement in detail of apparent errors in charges at the various wharves.
5. Tabular statements of wharfage, dockage, and tolls, reported as having been collected since December first, eighteen hundred and seventy-one.
6. An abstract of leases made by the Commissioners.

To arrive at the information thus embodied has necessitated a great deal of work—much more than the documents indicate. If it be determined to further pursue the inquiry, it will be well to take the accuracy of the books kept by the Secretary for an established fact. In addition to the thorough test for the period of eleven months, I have given them, and all of them, a cursory examination sufficient to satisfy myself that they are correct from the beginning. And it would be of little practical use to renew the investigation without reports from consignees



to begin with. Even with such reports the result would be incomplete, for the masters of vessels have made the payments in very many instances.

There are transactions of importance, too, that neither books nor reports give any inkling of. Shortly after I entered upon my examination of the books, a bill was presented to the Board for the repair of the schooner "Howard," which had sunk at Market street wharf from being snagged on broken piles. It was shown to me by the Secretary as illustrative of the importance of keeping wharves in repair, and I made an examination to see how much the State was loser by the disaster to the vessel. No entry appeared in the wharf book against the "Howard" for several months previous. Unable to perceive why a vessel not shown by the books to have paid for wharf privileges, should be allowed such damages, I consulted with Mr. Martin Bulger regarding her, who told me that she was one of several vessels that had for a long time discharged their cargoes at Market street wharf, without paying anything for the accommodation; and the next day Mr. Bulger (who has constantly endeavored to facilitate my work) procured from the wharfinger a statement showing the names of the vessels, the amounts they should have paid to the State, and the wharfage due and unpaid upon their cargoes. I have since been told by the wharfinger, Mr. Armstrong Askey, that the fleet of schooners in question commenced in October, eighteen hundred and seventy-one, to bring cargoes for H. W. Seale, a contractor; that when the first month had elapsed, he presented the State's bill, which was not paid; that he then spoke to Mr. Marks about the matter, who told him that he would attend to it; that in subsequent conversations with Mr. Marks upon the subject, he was given to understand that the Board would take all the cognizance of the case that it required. As the result, the bills have not been paid. They amount to three thousand and sixty-nine dollars and sixty-eight and three fourths cents.

A singular feature of the transaction is, that no charges were made against these vessels, either at the office of the Commissioners or in the books at the wharf, the figures being taken from a memorandum kept in the trunk of the wharfinger at Hayes' Valley. The minutes of the meetings of the Board are barren of any allusion to the facts, until after they became known in the manner stated.

Your obedient servant,

LAUREN E. CRANE.

SAN FRANCISCO, January 13th, 1873.

## COMMITTEE.

The Speaker appointed as Committee on Standing Rules and Joint Committee on Joint Rules of the Senate and Assembly, Messrs. Amerman, Dixon, and Higbie.

At one o'clock and thirty five minutes P. M., on motion of Mr. Murphy, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW, Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, December 8th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of Friday last read and approved.

## LEAVE OF ABSENCE.

Messrs. Ferguson and Morton were granted leave of absence for one day, and Mr. Welch for two days.

## STANDING COMMITTEES.

The Speaker announced the appointment of the following Standing Committees:

## ON ELECTIONS.

Messrs. Norton, Simpser, Franck, Ables, Gray, McBride, and Venable.

## ON CORPORATIONS.

Messrs. Swift, Coggins, Freeman, Cowdery, Roush, Paulsell, McCallum, Wright, and Rea.

## ON PUBLIC PRINTING.

Messrs. Vandall, Ferguson, Parker, Amerman, Miller, Summers, and Williams.

## ON CLAIMS.

Messrs. Tinnin, Murphy, Wickware, Barton, Vandall, Cressler, Canfield, Hammitt, and Gilmore of El Dorado.

## ON WAYS AND MEANS.

Messrs. Freeman, Russell, Franck, Stowers, Burt, Thomas, Dixon, Hill, and Meyers.

## ON JUDICIARY.

Messrs. Williams, Swift, Norton, Hurlburt, Cowdery, Murphy, Freidenrich, Gray, Welch, Rogers, and Ingham.

## ON MILITARY AFFAIRS.

Messrs. Pishon, Hamill, Bowers, Fahey, and Hay.

## ON COUNTIES AND COUNTY BOUNDARIES.

Messrs. Tully, Byers, Winchell, Rea, Simpson, Giffen, Cressler, Klotz, and Burt.

## ON COMMERCE AND NAVIGATION.

Messrs. Aldrich, Howe, Byrnes, McCallum, and Hurlburt.

## ON EDUCATION.

Messrs. Higbie, Stowers, Cowdery, Clark, Peek, Gurnett, and Hurlburt.

## ON AGRICULTURE.

Messrs. Meyers, Klotz, Canfield, Chandler, Bryan, Hammitt, and Ferguson.

## ON INTERNAL IMPROVEMENTS.

Messrs. Byrnes, McCallum, Fahey, Escandon, and Kercheval.

## ON PUBLIC BUILDINGS AND GROUNDS

Messrs. Welch, Terrill, McBride, Gurnett, Barton, Simpson, and Thomas.

## ON PUBLIC EXPENDITURES AND ACCOUNTS.

Messrs. Murphy, Rogers, Terrill, Higbie, and Tinnin.

## ON MINES AND MINING INTERESTS.

Messrs. Burt, Simpers, Peek, Morgan, Miller, Long, and Northup.

## ON PUBLIC LANDS.

Messrs. Gray, Wright, Coggins, Ables, and Davis.

## ON FEDERAL RELATIONS.

Messrs. Franck, Morgan, Gilmore of Calaveras, Long, Bowers, Carter, and Patterson.

## ON ENGROSSMENT.

Messrs. Bradley, Dixon, Pelham, Cressler, and Wickware.

## ON ENROLLMENT.

Messrs. Hay, Freidenrich, Giffen, Knox, and Winchell.

## ON STATE PRISON.

Messrs. Ables, Byers, Cowdery, Long, Hamill, Northcutt, and Russell.

## ON MILEAGE.

Messrs. Miller, Gilmore of Calaveras, and Northup.

## ON PUBLIC MORALS.

Messrs. Patterson, Knox, Higbie, Hammitt, and Summers.

## ON STATE HOSPITALS.

Messrs. Paulsell, Davis, Simpers, Winchell, and Wickware.

## ON RULES AND REGULATIONS.

Messrs. Amerman, Aldrich, Ingham, Hill, and Bradley.

## ON SWAMP AND OVERFLOWED LANDS.

Messrs. Kercheval, Canfield, Howe, Chandler, Dixon, Bradley, Clark, Freeman, Parker, Tully, and Bryan.

## ON ROADS AND HIGHWAYS.

Messrs. Snyder, Pelham, Byrnes, Parker, and Carter.

## ON THE CULTURE AND IMPROVEMENT OF THE GRAPEVINE.

Messrs. Wright, Gilmore of El Dorado, Escandon, Heald, Peek, Chandler, and Snyder.

## ON STATE LIBRARY.

Messrs. Norton, Coggins, and Swift.

## ON AGRICULTURE, MINING, AND MECHANIC ARTS COLLEGE.

Messrs. Howe, Coggins, Northcutt, Gurnett, Clark, Roush, and Heald.

## ON INDIAN AFFAIRS.

Messrs. Freidenrich, Bowers, Tinnin, Hurlburt, and Giffen.

## ON IRRIGATION.

Messrs. Venable, Davis, Meyers, Roush, Thomas, Pishon, and Aldrich.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December, 1873. }

*To the Assembly of the State of California:*

It is my duty to inform you that there is a vacancy in the representation of the State in the United States Senate, occasioned by the resignation of Hon. Eugene Casserly. The letter of resignation is on file in my office, and is in the following terms:

SAN FRANCISCO (Cal.), November 28th, 1873.

*Honorable NEWTON BOOTH, Governor of California:*

SIR: I hereby resign my unexpired term in the Senate of the United States as a Senator from California. This resignation is to take effect immediately, so that the State Legislature, which meets on the first of next month, may fill the vacancy. As my intimate friends in the Senate and elsewhere well know, I have long desired to withdraw from that body, and at the same time retire wholly from politics and political life. My public duties on both sides of the continent have demanded of me, and have received, so much attention as to greatly impair my health, and compel me to neglect my private affairs. The latter consideration is not a controlling one, but the condition of my health is such as to lead me to seriously doubt my strength to discharge the arduous duties of a Senator from California. I have deferred carrying out my desire until the present time, when both objects may be accomplished at once, and when the Legislature just about to meet may elect my successor.

Very respectfully,

E. CASSERLY.

NEWTON BOOTH,  
Governor.

COMMUNICATION.

The Speaker presented the following communication from the Secretary of State:

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, December 6th, 1873. }

*To the honorable the Assembly of the State of California:*

GENTLEMEN: I have the honor to acknowledge the receipt of a copy of the resolution adopted by your honorable body, instructing the Sergeant-at-Arms of the Assembly to procure from me eighty copies of the Journal of the Nineteenth Assembly—eighteen hundred and seventy-one-seventy-two. In response, I beg leave to state, that this department has not the custody of any volumes of the Journals of the nineteenth session, all of the same, not distributed under the law, having been

turned over to the State Librarian, as will be seen by reference to my biennial report, page seven. I have, however, procured from that officer all the available copies on hand—twenty-eight in number—which are now in the possession of the Sergeant-at-Arms of the Assembly, subject to your pleasure.

I have the honor to remain, very respectfully, yours,

DRURY MELONE,  
Secretary of State.

The Speaker also presented the following communication:

STATE OF CALIFORNIA. DEPARTMENT OF STATE, }  
SACRAMENTO, December 6th, 1873. }

*To the honorable the Assembly of the State of California:*

GENTLEMEN: I have the honor to submit herewith, in accordance with a resolution adopted by your honorable body, a detailed statement of the items of stationery furnished each member of the Assembly, from the first to the fifth December (inclusive), eighteen hundred and seventy-three.

I am, very respectfully, yours,

DRURY MELONE,  
Secretary of State.

On motion of Mr. Murphy the communication and statement were referred to the Committee on Public Accounts and Expenditures.

#### REPORT.

Mr. Meyers, from the special committee on additional employes, submitted the following report:

MR. SPEAKER: Your Committee on Rules and Employes report as follows:

That the Minute Clerk will require for a short time the aid of an Assistant Minute Clerk.

That the Sergeant-at Arms will require a clerk, whose duty will be to keep the books of accounts pertaining to that office; also, one mail carrier, whose duty will be to carry all mail matter to and from the Post Office of the Assembly and the United States Post Office at Sacramento.

Your committee further report the necessity of a Night Watchman for the Assembly Chamber, and also a Day Watchman.

Your committee to whom was referred the resolution in relation to the election of a Chaplain, find that precedent of all legislative Assemblies, as well as ancient usages and customs, sanction the election of such an officer, but they respectfully report back said resolution for action by the House, without recommendation.

They also recommend the adoption of the accompanying resolutions.

MEYERS, Chairman.

## RESOLUTIONS.

By Mr. Meyers:

*Resolved*, That the Minute Clerk is hereby authorized to appoint an Assistant Minute Clerk, for one week, at the same per diem as is allowed to the Minute Clerk, payable out of the appropriation for the contingent expenses of the Assembly.

Adopted.

By Mr. Meyers:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to appoint one Night Watchman, at a per diem of five dollars; and one Day Watchman, at a per diem of four dollars, payable out of the appropriation for the contingent expenses of the Assembly.

Adopted.

By Mr. Meyers:

*Resolved*, That the Sergeant-at-Arms is hereby authorized to appoint a Clerk, with the same per diem as is allowed to the Clerks at the Chief Clerk's desk; also, a Mail Carrier, at a monthly salary not exceeding seventy-five dollars, payable out of the appropriation for the contingent expenses of the Assembly.

Adopted.

By Mr. Cowdery:

Resolution relative to referring the Governor's Message to various committees.

On motion of Mr. Paulsell, the resolution was referred to a special committee of three, to report to-morrow morning.

The Speaker appointed as such special committee, Messrs. Paulsell, Cowdery, and Swift.

By Mr. Terrill:

WHEREAS, By an Act entitled an Act to provide for the erection of a City Hall in and for the City and County of San Francisco, approved April fourth, eighteen hundred and seventy, the Governor was authorized to appoint a Board of City Hall Commissioners, for the purpose of erecting and completing a City Hall in and for the said city and county; and whereas, by said Act the said Board was authorized and empowered to contract for, superintend, and erect a City Hall, in the said city and county, and to that end to adopt such plans for the erection of said building as in their judgment was best calculated to serve the purpose of said city and county; *provided*, however, that the whole cost of said building, including the laying out and inclosing the grounds, shall not exceed the sum of one and one half million dollars; and whereas, it was further provided by said Act that the said City Hall shall be erected and completed, and the grounds properly laid out and inclosed, and the entire business for which said Board was created shall be fully performed within three years from the passage of said Act; and whereas, more

than three years have elapsed and said City Hall building is not completed, but, on the contrary, not one half thereof is erected; and whereas, according to the statement of said Commissioners, the said sum of one and one half million dollars has been already nearly expended, and that they will require an additional large appropriation, to wit: the sum of about one million seven hundred and fifty thousand dollars, to complete said building as contemplated; and whereas, the said Commission was created, as aforesaid, by the State under said Act, and the said city and county government has no authority to inquire into their operations; therefore

*Resolved*, That a committee of five be appointed to investigate the acts and operations of said City Hall Commission, with power to administer oaths, to send for persons and papers, and to examine the books, records, plans, and documents of said Commission, and to ascertain all such facts in relation to the same as in the opinion of the committee shall be necessary, with power to hold sittings in San Francisco, and that they report the facts to this House, at as early a day as practicable.

Adopted.

By Mr. Stowers:

*Resolved*, That Charles E. Street, Postmaster, be granted an indefinite leave of absence on account of sickness in his family, and that he be allowed to appoint E. Somerville as his deputy, without compensation from the Assembly, who is competent to fulfill the duties of his office.

Adopted.

By Mr. Hammitt:

*Resolved*, That a committee of five be appointed by the Speaker to consider that part of the Governor's Biennial Message relating to minority representation, and ascertain what legislation is necessary to secure personal representation for all voters under the Constitution of this State.

On motion of Mr. Williams, it was referred to the Special Committee on Governor's Message.

By Mr. Murphy:

*Resolved*, That L. Sisenvine be allowed to keep a cigar stand in the corridor, near the entrance to the Assembly Chamber.

Mr. Hill offered the following amendment:

The persons having charge of the Capitol, and other property belonging to the State, are instructed to permit no person to use any portion thereof for any purpose, except for the purpose intended.

On motion of Mr. Parker, the whole matter was indefinitely postponed.

By Mr. Kercheval:

*Resolved*, That the Assembly now proceed to the election of Chaplain.

Lost.



By Mr. Amerman:

*Resolved by the Assembly, the Senate concurring,* That a joint committee of five from the House and three from the Senate be appointed as a special committee, to prepare and report an apportionment bill redistricting the State into Senatorial and Assembly districts.

Lost.

By Mr. Higbie:

*Resolved,* That this Assembly extend a cordial invitation to the members of the Ministerial Association of Sacramento City to open this Assembly by prayer every morning, in the order that they may agree upon among themselves, and that these services be rendered gratuitously.

Mr. Murphy moved to indefinitely postpone the resolution.

Mr. Hill moved to refer it to the Committee on Public Morals.

On motion of Mr. Meyers, the resolution was laid on the table.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 5th, 1873. }

MR. SPEAKER: I am directed to inform your honorable body, by the request of the Governor, of the receipt by the Senate of certain Reports which accompanied the Biennial Message.

Also, that the Senate, on the fifth day of December, eighteen hundred and seventy-three, adopted Senate Joint Resolution No. 5—providing for a restaurant in the Capitol.

JAS. H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 5, adopted, reported, read, and the House refused to concur.

#### NOTICES OF BILLS.

By Mr. Tinnin, of a bill to insert in the Penal Code of this State sections ninety and ninety-one, providing a punishment for giving to or the use of free passes by officers of this State.

Also, a bill to extend the Statute of Limitations of this State.

Also, a bill to repeal an Act approved April fourth, eighteen hundred and sixty-four, entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto; and to authorize and require suit to be instituted by and in behalf of the State against the Central Pacific Railroad Company, to recover to and for the State the moneys paid under said Act on the bonds of said railroad company, as interest.

By Mr. Murphy, of a bill to repeal section three hundred of the Penal Code, having reference to closing places of business on the Christian Sabbath.

By Mr. Bradley, of a bill to repeal an Act entitled an Act concerning roads and highways in the County of Yuba.

By Mr. Rogers, of an Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

By Mr. Freidenrich, of a bill requiring all persons not having a fixed place of business in this State, who shall sell or offer for sale any goods, wares, or merchandise, by sample, card, or other specimen, within this State, to take out a license of a character similar to that now required by law of persons having a fixed place of business in this State.

By Mr. Snyder, of a bill fixing the revenue of Mariposa County.

By Mr. Cowdery, of an Act to provide for a Police Contingent Fund in and for the City and County of San Francisco.

Also, of an Act to provide for the preservation and distribution of copies of the Reports of the Supreme Court of the State of California.

By Mr. Canfield, of a bill to provide for funding the debt of Kern County.

By Mr. Terrill, of a bill to amend Chapter II of Title IV of the Code of Civil Procedure.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Murphy—An Act to repeal an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

Read first and second times, and placed on file.

By Mr. Bowers—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth of June, eighteen hundred and seventy-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hurlbut—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Barton—An Act to regulate freights and fares on railroads, establish a reasonable maximum of charges, prevent unjust discriminations and extortions, define the rights of passengers, and to regulate the business of all railroad corporations within this State.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Ables—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six; and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Tinnin—An Act to repeal an Act approved April fourth, eighteen hundred and sixty-four, entitled an Act to aid in the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, and to authorize and require suit to be instituted by and on behalf of the State against the Central Pacific Railroad Company, to recover to and for the State, the moneys paid under said Act on the bonds of said railroad company as interest.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tinnin—An Act to insert in the Penal Code of the State sections ninety and ninety-one, providing a punishment for giving to or the use of free passes by officers.

Read first and second times, and referred to the Judiciary Committee.

At four o'clock and thirty minutes P. M., on motion of Mr. Amerman, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, December 9th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of yesterday read and approved.

## COMMITTEE.

The Speaker appointed as Committee on City Hall Investigation, Messrs. Terrill, Friedenrich, Coggins, Dixon, and Canfield.

## REPORT.

By Mr. Amerman:

MR. SPEAKER: Your Committee on Standing Rules of the Assembly beg leave to report, and recommend the adoption of the rules governing the last session of the Legislature, and the following amendments, as herein set forth:

Amend Rule One so as to read as follows:

"1.

"This House shall meet each day of sitting at eleven o'clock A. M., unless the House shall adjourn to some other hour."

Amend Rule Forty-seven so as to read as follows:

## "47.

"When a question is under debate, or before the House, no motion shall be received, but: 1st, to adjourn; 2d, to lay on the table; 3d, for the previous question; 4th, to postpone to a certain day; 5th, to commit; 6th, to amend; 7th, to postpone indefinitely—which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, or to commit, being decided, shall again be allowed on the same day, and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill or resolution, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection."

Amend Rule Fifty-one so as to read as follows:

## "51.

"When a question is postponed indefinitely, the same shall not again be introduced during the session, without a two third vote of all the members of the House present."

In relation to the Joint Rules for both Houses, your committee ask further time, as the Senate Committee are not yet ready to meet with us.

AMERMAN,  
HIGBIE,  
DIXON,  
Committee.

## STANDING RULES OF THE ASSEMBLY.

## MEETING.

## 1.

The House shall meet each day of sitting at eleven o'clock A. M., unless the House shall adjourn to some other hour.

## ORDER OF BUSINESS.

## 2.

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Motions and Resolutions.
9. Messages from the Senate.
10. Notices.
11. Second Reading and Reference of Bills.
12. Introduction and First Reading of Bills.
13. Business on General File and Third Reading of Bills.

14. Unfinished Business of the Preceding Day.
15. Special Orders of the Day.

## 3.

It shall be in order for the Committees on Enrolled and Engrossed Bills to report at any time.

## 4.

Messages from the Governor, State officers, and from the Senate may be considered at any time by a vote of the House.

## PETITIONS.

## 5.

Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall be on the table or be referred, as this House shall determine.

## BILLS.

## 6.

No bill shall be introduced without at least one day's previous notice, except by unanimous consent of the House, or when introduced by a committee in accordance with a rule of the House.

## 7.

Every bill shall receive three readings previous to its passage. The first and second readings shall be on the same day, unless objection be made to the bill. The third reading shall be on a subsequent day. The Speaker shall give notice at each reading whether it be the first, second, or third reading. The first reading of a bill shall be for information, and if any opposition be made to it the question shall be: "Shall this bill be rejected?" If the question to reject be negatived the bill shall then take the usual course.

## 8.

No appropriation of money, by bill or otherwise, belonging to the State Treasury, shall be made for any claim or purpose whatsoever until the same shall first be referred to and reported on by a committee of this House.

## 9.

All proceedings touching appropriations of money shall first be considered in a Committee of the Whole House, and no addition to any appropriation shall be made out of Committee of the Whole.

## 10.

A bill or resolution may be committed, with special instructions, at any time before the final vote is taken.

## DUTIES OF SPEAKER.

## 11.

The Speaker, or, in his absence, the Speaker pro tem., or, in the absence of both, such Chairman as shall be elected by the members present, shall take the chair precisely at the hour appointed for meeting, shall immediately call the House to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

## 12.

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

## 13.

He shall have a general direction of the Hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

## 14.

All Acts, addresses, and joint resolutions shall be signed by the Speaker; and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

## 15.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

## SERGEANT-AT-ARMS AND DOORKEEPER.

## 16.

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the House and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House.

## 17.

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and releasement, one dollar; and for traveling expenses for himself or a special messenger, going and coming,

twenty-five cents per mile; but no compensation shall be allowed for the arrest, custody, or releasement of members, under a call of the House, within the limits of the Capitol grounds. All fees accruing to the Sergeant-at-Arms for arrests, custody, and release of members shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House the Sergeant-at-Arms shall not be allowed any fees for the arrest.

## 18.

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

## 19.

The Standing Committees of the House shall be as follows:

1. A Committee on Elections, to consist of seven members.
2. A Committee on Corporations, to consist of nine members.
3. A Committee on Public Printing, to consist of seven members.
4. A Committee on Claims, to consist of nine members.
5. A Committee on Ways and Means, to consist of nine members.
6. A Committee on Judiciary, to consist of eleven members.
7. A Committee on Military Affairs, to consist of five members.
8. A Committee on Counties and County Boundaries, to consist of nine members.
9. A Committee on Commerce and Navigation, to consist of five members.
10. A Committee on Education, to consist of seven members.
11. A Committee on Agriculture, to consist of seven members.
12. A Committee on Internal Improvements, to consist of five members.
13. A Committee on Public Buildings and Grounds, to consist of seven members.
14. A Committee on Public Expenditures and Accounts, to consist of five members.
15. A Committee on Mines and Mining Interests, to consist of seven members.
16. A Committee on Public Lands, to consist of five members.
17. A Committee on Federal Relations, to consist of seven members.
18. A Committee on Engrossment, to consist of five members.
19. A Committee on Enrollment, to consist of five members.
20. A Committee on State Prison, to consist of seven members.
21. A Committee on Mileage, to consist of three members.
22. A Committee on Public Morals, to consist of five members.
23. A Committee on State Hospital, to consist of five members.
24. A Committee on Rules and Regulations, to consist of five members.
25. A Committee on Swamp and Overflowed Lands, to consist of eleven members.
26. A Committee on Roads and Highways, to consist of five members.
27. A Committee on the Culture and Improvement of the Grapevine, to consist of seven members.

28. A Committee on State Library, to consist of three members.
29. A Committee on Agricultural, Mining and Mechanic Arts College, to consist of seven members.
30. A Committee on Indian Affairs, to consist of five members.

20.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

21.

It shall be the duty of the Committee on Elections to examine and report upon the certificate of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question and be referred to them by the House.

22.

It shall be the duty of the Committee on Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue and of the expenditure, and report from time to time their opinion thereon.

23.

It shall be the duty of the Committee on Claims to take into consideration all such petitions and matters or things touching claims or demands on the State as shall be presented, or shall or may come in question and be referred to them by the House, and to report their opinion thereupon.

24.

It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the State as shall be presented, or shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

25.

It shall be the duty of the Committee on Public Lands to take into consideration all such petitions and matters or things respecting the lands of the State as shall or may come into question and be referred to them by the House, and to report from time to time their opinion thereon.

26.

It shall be the duty of the Committee on Public Expenditures and Accounts to examine the books and accounts of the several public departments, and to examine particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report from time to time such



provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their offices; and to report from time to time the character and amount of the various appropriations made by the Legislature.

## 27.

It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defense which may be referred to them by the House, and to report their opinion thereupon; and also to report from time to time such measures as may contribute to economy and accountability in said establishments.

## 28.

It shall be the duty of the Committee on Internal Improvements to take into consideration all such petitions and matters and things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented or may come into question and be referred to them by the House, and to report thereupon.

## 29.

It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the seat of government, which may be referred to them, and report their opinion thereon.

## 30.

It shall be the duty of the Committee on Mileage to ascertain and report the distance for which each member shall receive pay.

## 31.

It shall be the duty of the Committee on the Culture and Improvement of the Grapevine to consider and report upon all matters relating to the culture of the grape and the production of wine in this State.

## 32.

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House see that the engrossed bill is a true copy of the original, with the exception of correction in grammar, orthography, and punctuation.

## 33.

It shall be the duty of the Committee on Agricultural, Mining, and Mechanic Arts College to consider and report upon all matters which will be referred to or come before them.

## 34.

No committee shall be permitted to employ a clerk at the expense of the State without first obtaining leave of the House for that purpose.

## 35.

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

Every committee of the House to whom a bill has been referred shall report the same to the House within fifteen days from the time the bill is received by the Chairman of the Committee, unless further time to report is granted. Unless otherwise ordered by the House, every bill shall be referred to the appropriate Standing Committee, as indicated by its name given herein.

## 36.

In forming a Committee of the Whole House, a Chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the House by the Chairman. After report, the bill shall again be subject to amendment before the question is taken.

## 37.

The rules of the House shall be observed in Committee of the Whole, so far as may be applicable, except limiting the times of speaking, and except that the ayes and noes shall not be taken.

## 38.

A motion that the committee rise shall always be in order, and shall be decided without debate.

## DECORUM AND DEBATE.

## 39.

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House; but no discussion of a question of order shall be allowed unless an appeal be taken from the decision of the Chair.

## 40.

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

## 41.

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave; and members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

## 42.

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table, and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

## 43.

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

## 44.

If a question pending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak without leave of two thirds of the House.

## MOTIONS, ETC.

## 45.

No motion shall be debated until the same be seconded, and distinctly announced by the Speaker, and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn at any time before amendment or decision.

## 46.

A motion to adjourn shall always be in order. The Clerk shall enter on the Journal the name of any member moving an adjournment, and also the hour at which the motion was made.

## 47.

When a question is under debate, or before the House, no motion shall be received, but: to adjourn; to lay on the table; for the previous

question; to postpone to a certain day; to commit or amend; to postpone indefinitely—which several motions shall have precedence in the order in which they are named—but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill, or resolution, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

## 48.

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

## 49.

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate.

## 50.

The previous question shall only be put when demanded by three members.

## 51.

When a question is postponed indefinitely the same shall not again be introduced during the session, except by a two thirds vote of the members present.

## 52.

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out, being lost, shall preclude neither amendment nor motion to strike out and insert.

## 53.

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment. No bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the House.

## 54.

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House.

## 55.

Two hundred and forty copies of all bills of a general character shall be printed. No local or special bill, or other matter, shall be printed without first being specially ordered by the House, and the Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity, before payment shall be made or bills audited therefor.

## 56.

Maps accompanying documents shall not be printed under the general order to print without the special direction of the House.

## 57.

In filling up blanks the least sum and shortest time shall be first put.

## 58.

All questions relating to the priority of business shall be decided without debate.

## 59.

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House without debate.

## 60.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. But there shall be no reconsideration of a vote on a motion to indefinitely postpone.

## 61.

In all cases of election by the House the vote shall be taken *viva voce*.

## 62.

The ayes and noes shall be taken when called for by three members present, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

63.

No member or other person shall remain by the Clerk's table while the ayes and noes are being called or while the votes are being counted.

64.

No person shall vote on any question in the result of which he is personally interested or involved.

65.

Upon a division and count of the House on any question, no person without the bar shall be counted.

66.

No member shall be allowed to explain his vote or discuss the question while the ayes and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the Chair.

#### CALL OF THE HOUSE.

67.

Upon a call of the House, the names of the members shall be called over by the Clerk and the absentees noted, after which, the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger to be appointed for that purpose.

#### MISCELLANEOUS.

68.

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds and one day's notice being given of the motion therefor, but a rule or order may be suspended, temporarily, by a vote of two thirds of the members present, except that portion of Rule 7 relating to third reading of bills.

69.

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness, and if any member or officer of the House absent himself without leave his per diem shall not be allowed him, but no member shall obtain leave of absence or be excused without a vote of two thirds of the House.

70.

No persons except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Dis-

strict Courts, members of the press, when accredited by their respective journals, ladies, when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House, within the bar, cleared of all such persons. The Speaker is charged with the enforcing of this rule. (The above Rule is suspended until the first day of February, eighteen hundred and seventy-four.)

## 71.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

## 72.

The rules of parliamentary practice contained in Cushing's Law and Practice of Legislative Assemblies shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

## 73.

The Assembly room shall not be used for any public or private business other than legislative, except by unanimous consent of the House.

## 74.

Witnesses summoned to appear before the House or any of its committees shall be paid as follows: For each day a witness shall attend, the sum of two dollars, for each mile he shall travel in coming to or going from the place of examination, the sum of twenty-five cents; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

## 75.

It shall be in order for any member or members to protest against action of the House and have such protest entered upon the minutes.

## 76.

All bills reported to the House by either Standing or Special Committees, after receiving their second readings, shall be placed upon a General File, to be kept by the Clerk; and no bill shall be considered by the House until the regular order of business shall have been gone through, and then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the House, but engrossed bills shall be placed at the head of the File in the order in which they are received. The Clerk shall post, in a conspicuous place in the Chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed and specifying the alterations arising from the disposal of business each day.

77.

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

78.

When a member shall ask leave to have a bill taken up out of its regular order, he shall, in making the motion, give the number and title of the bill.

79.

No increase of pay nor shall any extra pay be allowed any officer or attaché of the House, by resolution, except by unanimous consent.

80.

The Engrossing Clerk, Enrolling Clerk, and Copying Clerks shall engross, enrol, or copy bills which shall come to their hands for such purposes, respectively, in the order of time in which the same shall be acted upon by the House. Each of the said Clerks shall be responsible for every violation of this rule by his assistants or deputies; nor shall any clerk of this House, or his deputy, or assistant, demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

81.

It shall be the duty of the Committee on Rules and Employés, whenever there is a resolution offered for additional help in any of the various departments in this Assembly, to inquire into the necessity for such proposed help, and report to the House, when the Assembly shall proceed to vote upon the passage of the resolution which has been referred and reported. The Engrossing, Enrolling, Journal, and Copying Clerks may appoint such assistants as may be allowed by this House for the faithful performance of the duties of their respective offices.

#### REPORTS.

By Mr. Meyers:

MR. SPEAKER: Your Committee on Rules and Employés, to whom was referred the resolution to ascertain the amount due the temporary attachés of this House, submit the following report:

Due M. D. Boruck, Chief Clerk of the last Assembly, per diem, sixteen dollars; mileage, thirty-six dollars; total fifty-two dollars. A. J. Rhoads, per diem, eighteen dollars. Newton Benedict, acting Minute Clerk, per diem, twenty-four dollars; mileage, eighteen dollars; total, forty-two dollars.

SAMUEL MEYERS, Chairman.

The report was adopted.

By Mr. Paulsell:

MR. SPEAKER: The special committee to whom was referred the resolution offered by Mr. Cowdery—to refer the First Biennial Message



of his Excellency Governor Booth to appropriate committees—and the amendments offered by Messrs. Patterson, Hammitt, and Amerman, report it back and recommend the adoption of the resolution as offered, with an amendment referring that part relating to Chinese immigration to the Committee on Federal Relations; and that part relating to general appropriations, to the Committee on Ways and Means, with instructions to report a general appropriation bill on or before the first Monday of February, A. D. eighteen hundred and seventy-four.

PAULSELL,  
COWDERY,  
SWIFT.

On motion of Mr. Tinnin, the report and resolution were adopted.

#### NOTICES OF BILLS.

By Mr. Franck, of a bill to amend section thirty-three hundred and eighty-two of the Political Code.

By Mr. Hill, of a bill to change the name of Milton Hoar, of Grass Valley, to the name of Milton Niles.

By Mr. Welch, of a bill in regard to public highways in Lake County.

By Mr. Howe, of a bill to amend the Constitution concerning the judicial election.

By Mr. Ferguson, of a bill for the encouragement of agriculture, and for the better protection of growing crops in the County of Fresno.

By Mr. Gilmore of El Dorado, of a bill to regulate the assessing of migratory bands or herds of live stock in the different counties of this State, and an equitable division of the taxes derived therefrom.

By Mr. Barton, of a bill amendatory to the apprentice laws of this State.

By Mr. Gurnett, of a bill entitled an Act granting certain tide lands to the City of Oakland.

By Mr. Bowers, of a bill to amend the city charter of the City of San Diego.

By Mr. Stowers, of a bill to amend section one thousand eight hundred and seventy-four of volume one of the Political Code.

By Mr. Thomas, of a bill to fund the debt of Santa Cruz County.

By Mr. Northcutt, of a bill for the amending of the State Constitution, changing the time for the convening of the Legislature of this State.

#### RESOLUTIONS.

By Mr. Swift:

*Resolved*, That five thousand copies of the Governor's Message be and they are hereby ordered printed, as follows: three thousand copies in English; one thousand five hundred in German, and five hundred copies in Spanish.

Referred to Committee on Printing.

By Mr. Snyder:

*Resolved*, That two hundred copies of the report of the Yosemite Valley Commissioners, now in the hands of the Governor, be ordered printed, for distribution in the Senate and Assembly, composing this Legislature.

Referred to the Committee on Printing.

By Mr. Bradley:

WHEREAS, This House is entitled, by law, to one thousand four hundred copies of the Report of the State Board of Equalization; and whereas, one thousand two hundred copies will be an ample number for the use of this House—being fifteen for each member; and whereas, the State Board of Equalization should have, and desire, a larger number of copies for distribution throughout the State than is allowed it by law, to wit: two hundred copies; therefore, be it

*Resolved*, That upon the receipt of the Report of the State Board of Equalization by the Sergeant-at-Arms, he shall, and he is hereby authorized and directed, to immediately deliver to the office of said Board two hundred copies of the said report.

Adopted.

By Mr. Tinnin:

*Resolved*, That the Committee on Ways and Means be instructed to draw a bill creating a Contingent Fund, for the use of this House.

Adopted.

By Mr. Aldrich:

*Resolved*, That it shall be the duty of the Assistant Clerks to number all bills to be engrossed, and all bills passed, before the same are delivered to the Engrossing or Enrolling Clerk, and keep such numbers numerically in a book kept for that purpose; and all such bills shall be engrossed or enrolled and returned to the House in the order in which they are delivered and numbered, and not otherwise.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Freeman—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ferguson—An Act for the relief of the heirs of J. W. Vance and L. P. Spyker.

Read first and second times, and, with accompanying documents, referred to the Judiciary Committee.

By Mr. Rogers—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

Mr. Murphy had leave to withdraw Assembly Bill No. 6.

By Mr. Murphy—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

Read first and second times, and placed on file.

By Mr. Cowdery—An Act to provide for a Police Fund in and for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Murphy—An Act to repeal section three hundred of the Penal Code of the State of California.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.

Referred to the Committee on Corporations.

#### UNFINISHED BUSINESS.

On motion of Mr. Meyers, the House took up for consideration the resolution relative to the employment of a Chaplain.

Mr. Paulsell offered the following substitute:

*Resolved*, That the Speaker be requested to invite the clergy of Sacramento to open the sessions of the Assembly with prayer, they to arrange among themselves the order in which they will serve us, and that they be allowed a compensation of five dollars for each day's service.

Mr. Terrill moved to amend by striking out the word "five," and insert in lieu thereof the word "one."

Lost.

Mr. Tinnin moved to amend the resolution by striking out the word "Sacramento."

Lost.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Bowers, Gurnett, and Snyder, and the resolution was adopted, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Bradley, Burt, Byers, Canfield, Carter, Chandler, Cressler, Ferguson, Giffen, Gray, Gurnett, Hammitt, Hay, Higbie, Hurlburt, Ingham, Kercheval, Knox, Long, Meyers, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Venable, Winchell, and Mr. Speaker—42.

NOES—Messrs. Ables, Barton, Bryan, Clark, Cowdery, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Heald, Hill, Howe, Klotz, McBride, McCallum, Miller, Morgan, Murphy, Northeutt, Northup, Simpers, Tinnin, Thomas, Tully, Vandall, Welch, Wickware, and Williams—34.

#### CONCURRENT RESOLUTION.

By Mr. Murphy—relative to a breakwater at Crescent City, Del Norte County, State of California.

Read first and second times, and referred to the Committee on Federal Relations.

## RESOLUTION.

By Mr. Gilmore of El Dorado:

*Resolved*, That the Secretary of State be and is hereby requested to make such alterations in the height of the seats of the Assembly Chamber as members may desire.

Adopted.

At eleven o'clock and thirty-eight minutes A. M., on motion of Mr. Gurnett, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, December 10th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Shelling.

Indefinite leave of absence was granted to Mr. Coggins.

Journal of yesterday read and approved.

## RESIGNATION.

Mr. Canfield resigned his position as a member of the Committee on City Hall Investigation.

## REPORTS.

By Mr. Snyder:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six, and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight;

Also, Assembly Bill No. 8—An Act supplementary to an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two;

Beg leave to report them both back, and recommend their passage.

SNYDER, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary, having considered Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen

hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two—report it back with amendments, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 4—An Act to repeal an Act to empower the Boards of Supervisors of the several counties of this State to aid in the construction of railroads in their respective counties, approved April fourth, eighteen hundred and seventy—have had the same under consideration, and hereby report it back to the House, with the unanimous recommendation that it pass.

SWIFT, Chairman.

By Mr. Meyers:

MR. SPEAKER: Your Committee on Rules and Employés beg leave to report that they have found only four vacant rooms in the Capitol building, to wit: Numbers Seventy, Seventy-one, Seventy-two, and Seventy-three, and that they have assigned Number Seventy to the Journal Clerk, Number Seventy-one to the Engrossing Clerk, Number Seventy-two to the Enrolling Clerk, and Number Seventy-three to the Copying Clerks; also, that through the courtesy of the Supreme Court Reporter, we have secured his room for the use of the Judiciary Committee, and that by a like courtesy on the part of the Superintendent of Public Instruction, the Committee on Education will be allowed the use of his room for its sessions. We would further report that we are satisfied that the Judiciary Committee has need of a clerk, and recommend the adoption of the accompanying resolution.

Respectfully,

SAMUEL MEYERS, Chairman.

#### RESOLUTION.

*Resolved*, That the Committee on Judiciary be authorized to appoint one clerk, at a per diem of eight dollars.

Adopted.

#### REPORT.

By Mr. Amerman:

MR. SPEAKER: The Committee on Joint Rules of the Senate and Assembly, beg leave to report and recommend the adoption of the Joint Rules of the last session, with the following amendment to Rule Twenty:

Insert in line one, after the first word, "No," the words, "extra pay nor."

AMERMAN,  
DIXON,  
HIGBIE,

House Committee.

EVANS,  
LAINE,  
FARLEY,

Senate Committee.

## JOINT RULES.

## 1.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

## 2.

When a message shall be sent from either House it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## 3.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

## 4.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

## 5.

After a bill shall have passed both Houses it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

## 6.

When bills are enrolled they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrollment with the engrossed bill as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

## 7.

After examination and report each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## 8.

After a bill shall have thus been signed in each House it shall be presented by the Enrolling Committee of the House in which it originated

to the Governor of the State for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

9.

All orders, resolutions, and votes which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

10.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

11.

When a bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

12.

When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days and leave of two thirds of that House in which it shall be renewed.

13.

Each House shall transmit to the other papers on which any bill or resolution shall be founded.

14.

After each House shall have once adhered to their disagreement a bill or resolution shall be lost.

15.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

16.

No appropriations of money, for any purpose whatever, shall be made except by bill.

17.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

## 18.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

## 19.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

## 20.

No extra pay nor increase in the pay of any officer or attaché of the Senate or Assembly shall be made by resolution except by unanimous consent.

## 21.

All concurrent or joint resolutions which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

## 22.

Whenever a bill or resolution which shall have been passed in one House shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "concurred in;" and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

## RESOLUTIONS.

By Mr. Welch:

WHEREAS, Under the Rules, the Speaker has the general direction of the hall; therefore,

*Resolved*, That the matter of placing a cigar stand in the corridor, near the entrance to this chamber, be left entirely to his discretion, and that he be authorized to permit the temporary erection of such a stand, and the removal thereof at his pleasure.

Mr. Amerman offered the following as a substitute:

*Resolved by the Assembly, the Senate concurring*, That a joint committee of three from each House, to act in connection with the State Capitol Commissioners, be appointed to make such arrangements for restaurant and cigar stands in the basement of the Capitol building, as they may deem advisable, said committee to be clothed with full power to regulate the same, and discontinue them at their pleasure at any time during the session of the Legislature.

The substitute was adopted.



By Mr. Tinnin:

*Resolved*, That the usual number of all bills introduced by members of this House, be printed.

Referred to the Committee on Printing.

By Mr. Russell:

*Resolved*, That the Undine Boat Club, of Sacramento, be allowed the use of the chairs, in the Assembly gallery on the evening of the seventeenth instant, to be returned the following morning, and moved at their expense and risk.

Lost.

By Mr. Barton:

*Resolved*, That this House do annul the election of Postmaster, and proceed to the election of a Postmaster who is willing to serve this body in that capacity at the price per diem allowed by law.

Referred to the Special Committee on Employés.

By Mr. Murphy:

*Resolved*, That a committee of five members of the Assembly be appointed by the Speaker, to take into consideration the subject of land monopoly, and to afford some remedy therefor.

Adopted.

By Mr. Rogers:

*Resolved*, That the resolution adopted yesterday, whereby the Speaker was requested to invite the clergy of Sacramento to open the sessions of the Assembly with prayer, be and the same is hereby rescinded.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Bowers, Norton, and Terrill, and the House refused, by the following vote:

AYES—Messrs. Ables, Cowdery, Fahey, Freidenrich, Gilmore of Calaveras, Gray, Heald, Hill, Howe, Klotz, Miller, Murphy, Northcutt, Rogers, Russell, Simpson, Stowers, Summers, Swift, Tinnin, Tully, Vandall, and Welch—23.

NOES—Messrs. Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Ferguson, Gilmore of El Dorado, Giffen, Gurnett, Hamill, Hammitt, Hay, Higbie, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, McCallum, Meyers, Morgan, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Roush, Simpers, Snyder, Terrill, Thomas, Venable, Wickware, Williams, Winchell, and Wright—53.

By Mr. Paulsell:

*Resolved*, That the Sergeant-at-Arms be instructed to procure from the Secretary of State's office one copy of laws not repealed by the

Codes for each member of this House, the same to be returned at the close of the session to the Secretary of State.

Adopted.  
By Mr. Gray:

*Resolved*, That two hundred and forty copies of the Rules of the Assembly, and of the Joint Rules, be and the same are hereby ordered printed for the use of the Assembly, and that they include the Standing Committees of the House and the Senate.

Adopted.

#### REPORT.

Mr. Norton had leave to submit the following report:

*To the members of the Assembly:*

GENTLEMEN: I beg leave to report that I have on hand the sum of ninety dollars (\$90), being the discount on currency on the appropriation of twelve hundred dollars (\$1,200) for postage stamps. I would be pleased to have the House signify what disposition I shall make of the same.

W. M. CRUTCHER,  
Sergeant-at-Arms of the Assembly.

#### RESOLUTIONS.

By Mr. Norton:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to pay over to the Controller of State the sum of ninety dollars, now in his hands, and that the Controller be and he is hereby directed to place the same to the credit of the Contingent Expense Fund of the Assembly.

Adopted.  
By Mr. Bowers:

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to supply each newspaper correspondent assigned a seat on this floor with two copies of each bill presented.

Adopted.  
By Mr. Ingham:

*Resolved*, That the Sergeant-at-Arms be authorized and required to procure ice to be placed in the water tank for drinking purposes, to be paid for out of the Contingent Fund of this House.

Laid on the table.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
December, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the ninth day of December, A. D. eighteen hundred and seventy-three, passed Senate Joint Resolution No. 8—to appoint a Joint Committee on Geological Survey.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Joint Resolution No. 8, above reported, read, amended, and adopted as amended.

#### NOTICES OF BILLS.

By Mr. Hammitt, of an Act entitled an Act to abate the squirrel nuisance in certain counties in the State of California.

By Mr. Thomas, of a bill to change the road laws of Santa Cruz County.

Also, of a bill to amend the charter of the Town of Watsonville, Santa Cruz County.

By Mr. Gray, of a bill to repeal Article XIV of Chapter III, Title III, of the Political Code, volume one, relating to an educational journal.

By Mr. Ingham, of a bill to amend an Act entitled an Act concerning roads and highways in the County of El Dorado, approved March fifteenth, eighteen hundred and seventy-two.

By Mr. Higbie, of a bill to amend section five hundred and eighty-five of Chapter II, Title VIII, of the Code of Civil Procedure.

By Mr. Stowers, of a bill repealing section one thousand five hundred and forty-two of volume one of the Political Code.

#### INTRODUCTION OF BILLS.

By Mr. Rogers—An Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness, of the State of California.

Read first and second times, and referred to the Committee on Claims.

By Mr. Simpson—An Act in relation to the School Fund of Tehama County.

Read first and second times, and ordered on file.

By Mr. Bradley—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two.

Read first and second times, and referred to the Yuba delegation.

By Mr. Freidenrich—An Act concerning commercial travelers, and providing a license.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Gurnett—An Act granting certain tide lands to the City of Oakland.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

#### GENERAL FILE.

Assembly Bill No. 16—An Act to amend an Act entitled an Act to

change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

Rules suspended, bill considered engrossed, read third time, and passed.

On motion of Mr. Cowdery. Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties—was taken from the file, rules suspended, bill considered engrossed, and upon the passage of the bill, the ayes and noes were demanded by Messrs. Hill, Freidenrich, and Murphy, and the bill was passed, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—76.

**NOES**—Messrs. Bowers and Canfield—2.

On motion of Mr. Ables, the House took up consideration of Assembly Bill No 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six; and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

The rules were suspended, bill considered engrossed, read third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. Terrill had leave to introduce the following bill—An Act entitled an Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Read first and second times, and referred to the San Francisco delegation.

#### RESOLUTION.

Mr. Norton had leave to introduce the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller of State for all warrants for per diem and mileage for the Speaker and members of the Assembly, and for per diem of officers, clerks, and attachés of the Assembly.

Adopted.

At one o'clock P. M., on motion of Mr. Snyder, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, December 11th, 1873. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Journal of yesterday read and approved.  
Prayer by the Chaplain.

## COMMITTEES.

The following committee was announced by the Speaker on Land Monopoly: Messrs. Murphy, Meyers, Chandler, Klotz, and Higbie.

The Speaker appointed Mr. Winchell as a member of the Committee on City Hall Investigation, in place of Mr. Canfield, resigned.

## REPORTS.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Boards of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties.

Also, Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six, and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 16—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

BRADLEY, Chairman.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Printing, to whom was referred a resolution by Mr. Swift, for printing the Governor's Message, and a resolution by Mr. Snyder, for printing the report of the Yosemite Commissioners, respectfully report that, in accordance with Concurrent Rule Number Seventeen, this House has no jurisdiction in the premises, and therefore submit the following concurrent resolution as a substitute.

B. C. VANDALL, Chairman.

*Resolved by the Assembly, the Senate concurring, That of the Governor's Message, five thousand copies, and of the report of the Yosemite Commissioners, two hundred and fifty copies, be printed.*

Mr. Friedenrich moved to amend the resolution so that there shall be printed fifteen hundred copies of the Governor's Message in German.

Mr. Tully moved as an amendment to the amendment, to print fifteen hundred copies of the Governor's Message in Spanish.

The amendment was lost.

The amendment, as offered by Mr. Friedenrich, was lost.

Upon the adoption of the resolution, as reported by the Committee on Printing, the ayes and noes were demanded by Messrs. Vandall, Tully, and Bowers, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Davis, Fahey, Franck, Freeman, Ferguson, Gray, Giffen, Hamill, Hammitt, Hill, Hurlburt, Kercheval, Knox, Long, Meyers, Miller, Rogers, Roush, Simpers, Snyder, Summers, Swift, Terrill, Thomas, Vandall, Wickware, Williams, Winchell, and Mr. Speaker—37.

**NOES**—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Burt, Byers, Carter, Cressler, Dixon, Escandon, Freidenrich, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hay, Heald, Higbie, Ingham, Klotz, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Russell, Simpson, Stowers, Tinnin, Tully, Venable, Welch, and Wright—42.

Mr. Parker gave notice that he would, on to-morrow, move to reconsider the vote by which the House refused to adopt the resolution relative to printing the Governor's Message and the report of the Yosemite Commissioners.

#### COMMITTEE ON MILEAGE.

By Mr. Miller:

**MR. SPEAKER:** The Committee on Mileage would beg leave to report that the following amounts are due members of the Assembly for mileage from and to their residences to the Capital, taking official distances as established by Part II, Title III, of the Political Code, as a basis:

Names.	Miles.	Amount.
Ables, T. J.....	350	\$52 50
Aldrich, W. A.....	234	35 10
Amerman, I. A.....	270	40 50
Barton, J. N.....		
Bowers, W. W.....	1,500	225 00
Bradley, J. C.....	100	15 00
Bryan, W. E.....	26	3 90
Burt, S. B.....	120	18 00
Byers, J. D.....	400	60 00
Byrnes, James.....	280	42 00
Canfield, W.....	670	100 50
Carter, J. C.....	136	20 40
Chandler, A. L.....	50	7 50
Clark, J. B.....	210	31 50
Coggins, Paschal.....		
Cowdery, J. F.....	234	35 10
Cressler, W. T.....	648	97 20
Davis, H. B.....	210	31 50
Dixon, James.....	360	54 00
Escandon, A. G.....	930	139 50

Names.	Miles.	Amount.
Estee, M. M.....	234	\$35 10
Fahey, E.....	120	18 00
Franck, F. C.....	306	45 90
Freeman, F. S.....	40	6 00
Freidenrich, D.....	234	35 10
Ferguson, J. W.....	380	57 00
Gilmore, George W. (of Calaveras).....	160	24 00
Gilmore, N. (of El Dorado).....	90	13 50
Gray, J. C.....	150	22 50
Guffen, G. W.....	256	38 40
Gurnett, W. J.....	270	40 50
Hamill, John.....	234	35 10
Hammitt, A. W.....	204	30 60
Hay, Alexander.....	360	54 00
Heald, J. L.....	120	18 00
Higbie, A.....	1,124	168 60
Hill, W.....	122	18 30
Howe, Robert.....	234	35 10
Hurlburt, B. G.....	830	124 50
Ingham, G. H.....	100	15 00
Kercheval, R.....	40	6 00
Klotz, R.....	370	55 50
Knox, M.....	164	24 60
Long, W. G.....	230	34 50
McBride, J.....	760	114 00
McCallum, D. W.....	450	67 50
Meyers, S.....	118	17 70
Miller, L.....	134	20 10
Morgan, W. R.....	260	39 00
Murphy, J. J.....	930	139 50
Northcutt, W. H.....	280	42 00
Northup, B. C.....	156	23 40
Norton, W. C.....	70	10 50
Parker, J. E.....	740	111 00
Patterson, James.....	234	35 10
Paulsell, A. C.....	90	13 50
Peek, W. P.....	120	18 00
Pelham, A. J.....	130	19 50
Pishon, N. J.....	1,200	180 00
Rea, Thomas.....	360	54 00
Rogers, D.....	234	35 10
Roush, William.....	120	18 00
Russell, P. H.....		
Simpers, G. W.....	102	15 30
Simpson, John.....	366	54 90
Snyder, J. W.....	320	48 00
Stowers, W. H.....	100	15 00
Summers, J. W.....	230	34 50
Swift, J. F.....	234	35 10

Names.	Miles.	Amount.
Terrill, C. C.....	234	\$35 10
Tinnin, W. J.....	510	76 50
Thomas, C. L.....	450	67 50
Tully, E. C.....	690	103 50
Vandall, B. C.....	234	35 10
Venable, J. E.....	1,124	168 60
Welch, S. K.....	240	36 00
Wickware, G. C.....	234	35 10
Williams, G. E.....	100	15 00
Winchell, S. G.....	260	39 00
Wright, W. S. M.....	260	39 00

Your committee feel satisfied that, in some instances, the Code operates unequally upon members, by arbitrarily fixing the distances of their county seats from the Capital. In some cases the distance established by law is too great, and in others not sufficient to cover the distance by the most direct traveled route. Probably, the most glaring wrong is in the case of Mr. Parker, of Inyo. The evidence brought before your committee clearly establishes the fact that the county seat of Inyo County, the residence of Mr. Parker, is one hundred miles further from the Capital than established by the Code. But as your committee adopted the Code as their guide, they deem it best to strictly adhere to the same, contenting themselves with a statement of facts as brought to their attention, and leaving Mr. Parker's case to be adjusted by the Assembly.

L. MILLER,  
GEO. W. GILMORE,  
B. C. NORTHUP.

By Mr. Bradley:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two—would herewith respectfully report the same back, and recommend its passage.

BRADLEY, for Delegation.

#### RESOLUTION.

By Mr. Kercheval:

*Resolved*, That this House do now proceed to the election of a Chaplain.

Mr. Freeman offered the following amendment: "To be paid three dollars per day, out of the Contingent Fund of the Assembly."

The amendment was adopted.

Mr. Amerman moved to lay the resolution on the table.

Lost.

The resolution was adopted.



## ELECTION FOR CHAPLAIN.

Mr. Hill nominated Mrs. Howlett.

Mr. Heald nominated J. D. Johnson.

Mr. Barton nominated George Charles Shelling.

Mr. Paulsell nominated Mr. Hand.

The roll was called, with the following result:

Names.	Hand.	Howlett.	Johnson.	Shelling.
Ables.....				1
Aldrich .....				1
Amerman .....				1
Barton .....				1
Bowers .....				1
Bradley.....				1
Bryan .....				1
Burt .....				1
Byers .....		1		
Byrnes.....		1		
Canfield .....				1
Carter.....				1
Chandler.....				1
Clark.....				1
Coggins .....				1
Cowdery .....		1		
Cressler.....			1	
Davis.....			1	
Dixon.....		1		
Escandon .....		1		
Fahey .....				1
Franck.....		1		
Freeman.....				1
Freidenrich .....			1	
Ferguson.....		1		
Giffen .....		1		
Gilmore of Calaveras.....		1		
Gilmore of El Dorado.....				1
Gray.....				1
Gurnett.....		1		
Hamill .....				1
Hammitt .....			1	
Hay.....				1
Heald .....			1	
Higbie .....				1
Hill.....		1		
Howe.....				
Hurlburt .....				1
Ingham.....				1
Kercheval .....				1
Klotz.....				1

Names.	Hand.	Howlett.	Johnson.	Shelling.
Knox.....				1
Long .....			1	
McBride.....			1	
McCallum.....			1	
Meyers.....				1
Miller .....				1
Morgan .....		1		
Murphy .....		1		
Northcutt.....			1	
Northup .....		1		
Norton.....			1	
Parker .....				1
Patterson .....				1
Paulsell.....	1			
Peek .....				1
Pelham .....		1		
Pishon .....			1	
Rea.....		1		
Rogers .....			1	
Roush .....				1
Russell.....			1	
Simpers .....				1
Simpson.....				1
Snyder.....				1
Stowers .....		1		
Summers .....			1	
Swift .....		1		
Terrill .....		1		
Tinnin.....			1	
Thomas.....			1	
Tully .....			1	
Vandall.....		1		
Venable.....			1	
Welch .....			1	
Wickware...		1		
Williams .....				1
Winchell.....				1
Wright.....			1	
Mr. Speaker.....				1

Whole number of votes cast.....79  
 Necessary to a choice.....40  
 Mrs. Howlett received.....21  
 Mr. Johnson received.....20  
 Mr. Shelling received .....37  
 Mr. Hand received.....1

No choice.

The roll was called for a second ballot, with the following result:

Names.	Howlett.	Shelling.	Johnson.	Hand.
Ables .....		1		
Aldrich .....		1		
Amerman .....		1		
Barton .....		1		
Bowers .....		1		
Bradley .....		1		
Bryan .....		1		
Burt .....		1		
Byers .....		1		
Byrnes .....	1			
Canfield .....		1		
Carter .....		1		
Chandler .....		1		
Clark .....		1		
Coggins .....		1		
Cowdery .....		1		
Cressler .....		1		
Davis .....			1	
Dixon .....	1			
Escandon .....			1	
Fahey .....		1		
Franck .....		1		
Freeman .....		1		
Freidenrich .....			1	
Ferguson .....	1			
Giffen .....	1			
Gilmore of Calaveras .....	1			
Gilmore of El Dorado .....		1		
Gray .....		1		
Gurnett .....		1		
Hamill .....				
Hammitt .....		1		
Hay .....	1			
Heald .....			1	
Higbie .....		1		
Hill .....	1			
Howe .....				
Hurlburt .....		1		
Ingham .....		1		
Kercheval .....		1		
Klotz .....		1		
Knox .....		1		
Long .....			1	
McBride .....		1		
McCallum .....			1	
Meyers .....		1		
Miller .....		1		
Morgan .....	1			

Names.	Howlett.	Shelling.	Johnson.	Hand.
Murphy .....			1	
Northcutt .....			1	
Northup .....	1			
Norton .....	1			
Parker .....		1		
Patterson .....		1		
Paulsell .....				1
Peek .....		1		
Pelham .....	1			
Pishon .....		1		
Rea .....		1		
Rogers .....	1			
Roush .....		1		
Russell .....			1	
Simpers .....		1		
Simpson .....		1		
Snyder .....		1		
Stowers .....			1	
Summers .....			1	
Swift .....	1			
Terrill .....	1			
Tinnin .....			1	
Thomas .....		1		
Tully .....	1			
Vandall .....	1			
Venable .....		1		
Welch .....			1	
Wickware .....	1			
Williams .....		1		
Winchell .....		1		
Wright .....			1	
Mr. Speaker .....		1		

Whole number of votes cast.....	78
Necessary to a choice.....	40
Mr. Shelling received .....	46
Mrs. Howlett received.....	17
Mr. Johnson received.....	14
Mr. Hand received.....	1

Mr. Shelling, having received a majority of all the votes cast, was declared elected Chaplain of the Assembly.

#### RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Gray:

*Resolved, That the Sergeant-at-Arms be and he is hereby directed to*

procure for the use of the Assembly Post Office, mail bags, to the value of fifteen dollars, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Rogers:

*Resolved*, That the Speaker be and he is hereby authorized to purchase an iron safe, at an expense not to exceed one hundred and fifteen dollars, for the use of the Assembly, for the purpose of keeping the General File, bills, and all other papers and books of value of the Assembly; the same to be in the custody of the Chief Clerk; and the Controller of State is hereby directed and authorized to draw his warrant, and the Treasurer of State to pay the same, payable out of the appropriation for the contingent expenses of the Assembly.

Adopted.

By Mr. Thomas:

*Resolved*, That a committee of three be appointed by the Speaker to inquire into the feasibility and probable cost of providing a remedy for the imperfect acoustic qualities of this hall, and to report the facts back to this House for further action.

Adopted.

By Mr. Ferguson:

*Resolved*, That the Sergeant-at-Arms be and he is hereby allowed the sum of fifteen dollars in postage stamps, payable out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Cowdery:

*Resolved*, That the Committee on Corporations be empowered to employ a clerk to attend upon and perform the clerical duties of said committee.

Referred to the Committee on Rules and Regulations.

By Mr. Norton:

*Resolved*, That Rule Number Eighty-one, of the Standing Rules of the Assembly, be amended so as to read as follows:

"It shall be the duty of the Committee on Rules and Regulations, whenever there is a resolution offered for additional help in any of the various departments in this Assembly, to inquire into the necessity of such proposed help, and report to the House, when the Assembly shall proceed to vote upon the passage of the resolution which has been referred and reported. The Engrossing, Enrolling, Journal, and Copying Clerks may appoint such assistants, as may be allowed by this House, for the faithful performance of the duties of their respective offices.

Referred to the Committee on Rules and Regulations.

## NOTICES.

Mr. Amerman gave notice that he would, on to-morrow, move to amend Rule Seventy of the Standing Rules of the House.

By Mr. Parker, of a bill amending section one hundred and sixty-two of Title III of the Political Code, fixing legal distances from the county seat of Inyo County.

By Mr. Bradley, of a bill to amend section two thousand seven hundred and twenty-six of the Political Code.

By Mr. Burt, of an amendment to section twelve hundred and sixty-four of Volume I of the Political Code.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ferguson—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, and Kern.

Read first and second times, and referred to the Committee on Agriculture, and ordered printed.

By Mr. Freeman—An Act amendatory of section two hundred and sixty-six of the Political Code, concerning per diem and mileage of members of the Legislature, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Cowdery—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Williams—proposed amendment to the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gurnett—An Act to amend an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, fees of Court, and its officers, approved March tenth, eighteen hundred and sixty-six.

Read first and second times, and referred to the Alameda delegation.

## GENERAL FILE.

Assembly Bill No. 8—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt, approved February fourth, eighteen hundred and seventy-two.

Ordered engrossed.

Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Amendments reported by the Judiciary Committee adopted by the House, and the bill ordered engrossed.

Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

Ordered engrossed.

#### REPORT.

Mr. Williams had leave to make the following report:

Mr. SPEAKER: The El Dorado delegation have considered Assembly Bill No. 28—An Act to create a Board of Canvassers in the County of El Dorado, and other matters relating thereto—and report it back, and recommend its passage.

WILLIAMS, Chairman.

At one o'clock and forty-five minutes P. M., on motion of Mr. Murphy, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, December 12th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### COMMITTEES.

The Speaker announced the appointment of the following committees:

Committee on Retrenchment—Messrs. Swift, Ingham, and Franck.

Committee on Acoustics—Messrs. Thomas, Wright, and Patterson.

Committee on Restaurant, etc.—Messrs. Amerman, Barton, and Clark.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Heald for one day.

#### RESOLUTION.

Mr. Bradley had leave to introduce the following resolution:

*Resolved*, That the Engrossing Clerk be authorized and instructed to insert the enacting clause in Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Wood-

land School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment for the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Adopted.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Amerman:

Mr. SPEAKER: The Standing Committee on Rules and Regulations respectfully beg leave to report that they have examined the proposed amendment to Rule Number Eighty-one, and report the same back, without recommendation.

In relation to the Clerk for the Committee on Corporations, the Chairman of said committee having informed us that a clerk is actually necessary, we recommend that the resolution offered by Mr. Cowdery be adopted.

In relation to Rule Number Seventy, your committee would respectfully recommend that it be suspended until the first day of February, eighteen hundred and seventy-four.

AMERMAN, Chairman.

*Resolved*, That the Committee on Corporations be empowered to employ a clerk to attend upon and perform the clerical duties of said committee.

Adopted.

*Resolved*, That Rule Number Eighty-one of the Standing Rules of the Assembly be amended so as to read as follows:

"It shall be the duty of the Committee on Rules and Employés, whenever there is a resolution offered for additional help in any of the various departments in this Assembly, to inquire into the necessity of such proposed help, and report to the House, when the Assembly shall proceed to vote upon the passage of the resolution which has been referred and reported. The Engrossing, Enrolling, Journal, and Copying Clerks may appoint such assistants as may be allowed by this House for the faithful performance of the duties of their respective offices."

Mr. Williams demanded a division of the question to vote: First—To allow the Engrossing, Enrolling, and Journal Clerks the right to appoint their own employés. Second—To allow the Copying Clerks the right to appoint their own employés.

Upon the question, "Shall the Engrossing, Enrolling, and Journal Clerks appoint their own assistants?" the roll was called, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Escandon, Fahey, Franek, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, Mc-



Bride, McCallum, Meyers, Miller, Morgan, Murphy, Northeutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Welch, Wickware, Winchell, and Wright—68.

NOES—Messrs. Bradley, Cressler, Freeman, Ingham, Knox, Paulsell, Simpers, Venable, and Williams—9.

Upon the question: "Shall the Copying Clerks employ their own assistants?" the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Escandon, Fabey, Franck, Freudenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northeutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Wright—67.

NOES—Messrs. Bradley, Cressler, Freeman, Gilmore of El Dorado, Giffen, Ingham, Knox, Paulsell, Simpers, and Williams—10.

#### SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 12th, 1873. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the ninth day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 15—An Act to amend section seventy of the Political Code.

Also, on the tenth day of December, passed Senate No. 24—An Act to authorize the State Treasurer to pay Controller's warrants, drawn for the per diem and mileage for members of the Senate and Assembly, and their respective employes.

Also, in accordance with a request of his Excellency the Governor, your honorable body is informed that the Senate received from the Governor, accompanied by his message, a list of claims allowed by the Board of Examiners—said claims having been allowed in accordance with the provisions of section six hundred and sixty-three of the Political Code.

Also, the report of the Board of Examiners on claims against the State, the settlement of which is not otherwise provided for by law.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 24, above reported, read first and second times.

On motion of Mr. Swift, the House went into Committee of the Whole for the consideration of Senate Bill No. 24.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole.

On motion of Mr. Swift, the committee rose and reported Senate Bill No. 24 to the House, and recommended its passage.

#### IN ASSEMBLY.

[The Speaker in the chair.]

Senate Bill No. 24 was read the third time, and passed.

Senate Bill No. 15, above reported from the Senate, read first and second times, and referred to the Judiciary Committee.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 8—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

BRADLEY, Chairman.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee have considered Assembly Bill No. 14—An Act for the relief of the heirs of J. W. Vance and L. P. Spyker—and report it back, with the recommendation that it be indefinitely postponed.

WILLIAMS, Chairman.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee have considered Assembly Bill No. 1—An Act to amend certain sections of Volume I of the Political Code—and report it back, with the recommendation that it be referred to the Committee on Ways and Means.

WILLIAMS, Chairman.

Assembly Bill No. 1 was referred to the Committee on Ways and Means.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Printing, to whom was referred a resolution offered by Mr. Tinnin, providing for the printing of all bills introduced in this House, offer as a substitute, the following resolution:

*Resolved*, That no bills, other than those of a general character, be printed, unless so ordered by a majority vote of this House.

Adopted.

#### RESOLUTIONS.

By Mr. Swift:

WHEREAS, The seats in this body of Messrs. Hamill, Aldrich, Vandall, Wickware, Howe, and Patterson are contested by Messrs. A. Wason, G. H. Rogers, P. Ryan, Michael Hays, F. A. Gibbs, and W. D. Delaney; and whereas, the Controller of State is in doubt as to his right to draw warrants for the per diem and mileage of said members; therefore, be it

*Resolved*, That the Controller of State be and is hereby authorized to issue his warrants for the per diem and mileage of said sitting members, payable out of the appropriation for the per diem and mileage of members of the Assembly.

Adopted.

By Mr. Vandall:

*Resolved*, That the appointment by the Minute Clerk, of an Assistant Minute Clerk, for one week, pursuant to a resolution adopted by this House on the eighth instant, be extended to the twenty-fourth of the present month.

Referred to Committee on Rules.

By Mr. Meyers:

*Resolved*, That G. Meredith, Assistant Sergeant-at-Arms, E. Johnson, Porter, J. O'Connell, Doorkeeper, E. Samuelson, Doorkeeper, Daniel Blue, Rear Porter, Clarence King, Page, William Kelso, Page, G. W. Dixon, Clerk at desk, Herman Enkle, Postmaster, Wm. O'Brien, Mail Carrier, North Wellington, Porter, M. Gruscheushe, Porter, and Rev. H. Cummings, Chaplain, be allowed pay for their services as temporary employes of the Assembly, the time of service and the amount due each to be ascertained by the proper committee.

Referred to Committee on Claims.

By Mr. Tinnin:

*Resolved*, That the Committee on Claims be allowed one clerk, at the usual per diem.

Referred to Committee on Rules.

By Mr. Freeman:

WHEREAS, It appears from the report of the Controller of State, that property of the value of over one million dollars has escaped taxation in the several counties of the State; therefore, be it

*Resolved*, That the Committee of Ways and Means be instructed to draft and report a bill that will correct this inequality, and cause all species of property to be listed at its true cash value.

Adopted.

By Mr. Barton:

*Resolved*, That the Sergeant-at-Arms be and is hereby authorized to have four hundred and eighty additional copies printed of Assembly Bill No. 9.

Mr. Tinnin offered the following amendment: "That all bills on freights and fares be printed in like manner."

The amendment was adopted.

The resolution, as amended, was adopted.

By Mr. Ferguson:

*Resolved*, That the Journal Clerk be allowed an assistant.

Referred to Committee on Rules and Regulations.

#### RECONSIDERATION.

Pursuant to notice, Mr. Parker moved to reconsider the vote by which the House, on yesterday, refused to adopt the resolution to order five thousand copies of the Governor's Message, and two hundred and fifty copies of the report of the Yosemite Commissioners, printed.

Mr. Murphy moved to indefinitely postpone the motion to reconsider.  
Lost.

The vote by which the House refused to adopt the resolution, was reconsidered.

Upon the adoption of the resolution, Mr. Parker demanded a division of the question.

That portion to print five thousand copies of the Governor's Message, was adopted.

That portion to print two hundred and fifty copies of the Yosemite Commissioners' report, was also adopted.

On motion of Mr. Tinnin, the House took up the consideration of Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

Read third time, and passed.

#### NOTICE.

By Mr. Bradley, of a bill concerning the government of the City of Marysville.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Parker—An Act to amend a certain section of Volume One of the Political Code.

Read first and second times, and referred to Committee on Mileage.

By Mr. Coggins—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

Read first and second times, and referred to the Committee on Public Buildings and Grounds.

By Mr. Bradley—An Act to amend section twenty-seven hundred and twenty-six of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Roush—An Act to provide for the payment of certain wit-

nesses in the case of the People of the State of California vs. Horace Smith.

Read first and second times, and referred to Committee on Ways and Means.

By Mr. Barton—An Act to repeal section thirty-three hundred and eighty-five of Article II of the Political Code, relative to animals kept for propagation.

Read first and second times, and referred to the Committee on Agriculture.

On motion of Mr. Freeman, the House took up consideration of Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

The bill was read a third time, and passed.

[Speaker pro tem. in the chair.]

On motion of Mr. Hurlburt, the House took up consideration of Assembly Bill No. 8—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

The bill was read a third time, and passed.

#### GENERAL FILE.

Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

Ordered engrossed.

Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two.

Ordered engrossed.

At one o'clock and twenty-five minutes P. M., on motion of Mr. Gray, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, December 13th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read, and, on motion of Mr. Norton, the resolution in regard to amending Rule Number Eighty-one was amended so as to read as follows: "Rules and Employés," instead of "Rules and Regulations."

## LEAVE OF ABSENCE.

Leave of absence was granted Mr. Gray for one day.

## REPORTS.

Reports were submitted, as follows:

By Mr. Amerman:

Mr. SPEAKER: The Standing Committee on Rules and Regulations respectfully report that they have examined into the necessity of employing additional clerical assistance, asked for by resolutions, passed by the House on yesterday, and can see no actual necessity for the employment of any extra clerks, at least until after the holidays. We would respectfully recommend that the Assistant Minute Clerk be continued at the desk until and including the twentieth instant.

AMERMAN, Chairman.

The resolution above reported, relative to Assistant Minute Clerk, was adopted.

By Mr. Williams:

Mr. SPEAKER: The Judiciary Committee have considered Senate Bill No. 15—An Act to amend section seventy of the Code of Civil Procedure—and report it back and recommend its passage.

WILLIAMS, Chairman.

## RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Clark:

*Resolved*, That when this House adjourns to-day, it be until Monday afternoon, at two o'clock and thirty minutes P. M.

Adopted.

By Mr. Venable:

*Resolved by the Assembly, the Senate concurring*, That our Representatives in Congress and our Senators be and they are hereby instructed to use their endeavors to prevent the granting of any subsidies to the San Joaquin and Kings River Canal and Irrigation Company, or any other water company, for the purpose of enabling them to perfect and carry out their system of canals and ditches for water purposes.

*Resolved*, That his Excellency the Governor of the State of California, be requested to transmit a copy of this resolution to our Representatives and Senators respectively.

Read first and second times, and referred to the Committee on Irrigation.

On motion of Mr. Norton, Rule Number Seventy, of the Standing Rules of this House, was suspended until the first day of February, eighteen hundred and seventy-four.

By Mr. Stowers:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to issue warrants for the per diem of members once every two weeks.

Lost.

#### SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 12th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

Also, passed Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 1, above reported, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 3, above reported, read first and second times, and referred to the San Mateo delegation.

#### NOTICES.

By Mr. Cowdery, of an Act to amend sections sixteen hundred and sixty-two, sixteen hundred and sixty-five, sixteen hundred and sixty-nine, sixteen hundred and seventy, and sixteen hundred and seventy-one of the Political Code.

By Mr. Coggins, of a bill to promote equal and prohibit double taxation.

By Mr. Hurlburt, of a bill to repeal an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burt—An Act to amend section twelve hundred and sixty-four of Volume I of the Political Code, relative to messengers of elections.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Kercheval—An Act to repeal an Act entitled an Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, approved April first, A. D. eighteen hundred and seventy-two, and for other purposes.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Coggins—Proposed amendment to the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 14—An Act for the relief of the heirs of J. W. Vance and L. P. Spyker.

Indefinitely postponed.

On motion of Mr. Snyder, the House took up consideration of Senate Bill No. 15—An Act to amend section seventy of the Code of Civil Procedure.

The bill was read a third time, and passed.

#### RESOLUTION.

By Mr. Murphy—Concurrent resolution relative to a mail route from Happy Camp, Del Norte County, to Orleans Bar.

Read first and second times, and ordered on file.

At twelve o'clock M., on motion of Mr. Amerman, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, December 15th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Journal of Saturday, December thirteenth, was read and approved.

#### PETITIONS.

By Mr. Patterson—a petition to the Legislature of California from the Cabinet-makers' Protective Union against the pernicious system of employing the State Prison convicts.

Referred to the Committee on State Prison.

#### REPORTS.

Reports were submitted, as follows:



By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, and Kern—have had the same under consideration, have amended sections three and nine, and recommend the passage of the bill as amended.

MEYERS, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: The Committee on Claims, having had under consideration a resolution instructing them to ascertain the amounts due the attachés of the Assembly before organization, make the following report:

Name.	Amount.
E. Meredith, Assistant Sergeant-at-Arms, four days.....	\$24 00
E. Johnson, Porter, four days.....	16 00
J. O'Connell, Doorkeeper, four days.....	16 00
E. Samuelson, Doorkeeper, four days.....	16 00
Daniel Blue, Rear Porter, four days.....	16 00
Clarence King, Page, two days.....	6 00
William Kelso, Page, four days.....	12 00
G. W. Dixon, Assistant Clerk, four days.....	32 00
Herman Enkle, Postmaster, three days.....	9 00
William O'Brien, Mail Carrier, eight days.....	20 00
North Wellington, Porter, four days.....	16 00
M. Gruscheushe, Porter, four days.....	16 00
Rev. H. Cummings, Chaplain, three days.....	15 00

*Resolved*, That the Controller be ordered to draw warrants in favor of the persons named above, and for the amounts opposite each name, and that the Treasurer pay the same out of the Contingent Fund of the Assembly.

TINNIN, Chairman.

Adopted.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined, and find correctly engrossed, Assembly Bill No. 21—An Act to repeal an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy two.

Also, Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

BRADLEY, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was

referred Concurrent Resolution No. 2—relative to a breakwater at Crescent City, in the County of Del Norte—beg leave to report the same back, and recommend its passage.

FRANCKS, Chairman.

By Mr. Meyers:

MR. SPEAKER: The Committee on Rules and Employés beg leave to report that rooms number twenty-eight (Attorney General's), twenty-six (State Printer's), thirty-two and thirty-three (Treasurer's), nineteen (Reclamation Fund Commissioners'), and also Code Commissioners' room, and room number eighteen, are at the service of the Assembly committees whenever their occupation by them will not interfere with the above named State officers in the discharge of their respective duties. They are every way better adapted for our purposes than any rooms we could secure outside of the Capitol building, and we are fully persuaded that if our committees will exercise the same spirit of accommodation towards each other, that the above named State officers do to accommodate us, there will be no necessity for hiring committee rooms and buying furniture for them during the present session of the Legislature.

MEYERS, Chairman.

By Mr. Franck:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days—beg leave to report the bill back, and recommend its passage.

FRANCK, for Delegation.

#### RESOLUTIONS.

By Mr. Swift:

*Resolved*, That on to-morrow, Tuesday, the sixteenth day of December, A. D. eighteen hundred and seventy three, at twelve o'clock noon, this House proceed to the election of two United States Senators, one to fill the full term of six years, commencing March fourth, A. D. eighteen hundred and seventy-five and ending March fourth, A. D. eighteen hundred and eighty-one, and the other to fill the unexpired term made vacant by the resignation of the Hon. Eugene Casserly, and that the order of such election shall be as follows: First—That this House will vote upon the election for Senator to fill the full term first above named until an election is had, or until this House shall, by vote, determine to discontinue voting. And then, second—that this House will immediately thereafter proceed to vote for the election of a Senator to fill said short term, made vacant by the resignation of the Hon. Eugene Casserly.

Adopted.

By Mr. Rogers:

*Resolved*, That the Controller be authorized and required to issue his warrant in favor of J. B. Stevens, as Assistant Minute Clerk, for seventeen days' service, from December fourth to December twentieth, both

inclusive, at the same per diem as is allowed the Minute Clerk, payable out of the appropriation for contingent expenses of the House.

Adopted.

By Mr. Northcutt—concurrent resolution relative to granting pensions to soldiers of the Mexican War of eighteen hundred and forty-six—seven—eight.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Peek—concurrent resolution relative to lands granted the Stockton and Copperopolis Railroad.

Read first and second times, and referred to the Committee on Federal Relations.

#### LEAVE OF ABSENCE.

Mr. Thomas was granted leave of absence for one day.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 15th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirteenth day of December, A. D. eighteen hundred and seventy-three, passed, under suspension of the rules, Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

Also, passed Senate Bill No. 10—An Act to provide for the building of and furnishing Court House, offices, and Jail in Merced County, and for improving the Court House grounds.

Also, passed Senate Bill No. 35—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 10, above reported, read first and second times, and referred to the Merced delegation.

Senate Bill No. 35, above reported, read first and second times, and referred to the Committee on Public Morals.

#### NOTICES.

By Mr. Murphy, of a bill to declare Lake Earl, in Del Norte County, navigable.

By Mr. Freeman, of a substitute for Rule Number Fifty-five, of the Standing Rules of the House.

By Mr. Bradley, of a bill to amend section two thousand six hundred and forty-five of the Political Code, relating to the classification of counties for highway purposes.

By Mr. Gray, of a bill to repeal sections three thousand three hundred and ninety-nine, three thousand four hundred, three thousand four hundred and one, three thousand four hundred and two, and three thousand four hundred and three of the Political Code, relating to the State Land Agent, residing at Washington, D. C.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Northcutt—An Act to amend Article IV, section two, of the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hammitt—An Act to abate the squirrel nuisance in certain counties of the State of California.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Higbie—An Act to amend section five hundred and eighty-five of Chapter II, of Title VIII, of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welch—An Act to provide for the location, construction, and maintenance of public roads in Lake County.

Read first and second times, and referred to the Lake delegation.

By Mr. Coggins—An Act to promote equal and prohibit double taxation.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Pishon—An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespass of animals upon private property in the County of Los Angeles and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to make the same applicable to the County of San Bernardino, so far as the same relates to San Bernardino County.

Read first and second times, and referred to the San Bernardino delegation.

By Mr. Amerman—An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, also, an Act approved April first, eighteen hundred and seventy.

Read first and second times, and ordered on top of file for the sixteenth instant.

By Mr. Cowdery—An Act to amend sections sixteen hundred and sixty-two, sixteen hundred and sixty-five, sixteen hundred and sixty-nine, sixteen hundred and seventy, and sixteen hundred and seventy-one of the Political Code.

Read first and second times, and referred to the Committee on Education.

By Mr. Cowdery—An Act to amend section thirty-seven hundred and fifty-seven of the Political Code.

Read first and second times, and referred to Committee on Ways and Means.

GENERAL FILE.

Assembly Concurrent Resolution No. 6—Relative to mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County.

Rules suspended, resolution considered engrossed, read third time, and passed.

On motion of Mr. Williams, the House took up consideration of Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

Read third time, and passed.

On motion of Mr. Franck, the House took up consideration of Senate Bill No. 1—An Act giving the consent of the Legislature to Cornelius Finley, County Clerk of Santa Clara County, in the State of California, to absent himself from said State for a period not exceeding sixty days.

Read third time, and passed.

On motion of Mr. Bradley, the House took up consideration of Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two.

Read third time, and passed.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Howe, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

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IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, December 16th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

REPORTS.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined, and find correctly engrossed, Assembly Concurrent Resolution No. 6—relative to mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County.

BRADLEY, Chairman.

By Mr. Meyers:

MR. SPEAKER: Your Committee on Rules and Employés, to whom was referred a resolution relative to Postmaster of the Assembly, proceeded on the day the matter was referred to them, to hear the statements of four different witnesses, and our conclusion was this: that Mr. Street

was willing to sell his position for one hundred and eighty (\$180) dollars cash in hand paid. The reason no contract was closed, we understand to have been that young Mr. Luce's father insisted upon the passage of a resolution by the Assembly recognizing his son as Mr. Street's deputy. That done, the father was willing to place the money in bank, subject to the call of Mr. Street at the end of sixty days, provided that the son meanwhile held the position and drew the full pay. These conditions did not suit Mr. Street, and there was no contract. On the next morning a telegram from Mr. Street was placed in our hands, asking time, and that he would be here next Monday (yesterday), wherefore we have delayed our report. Mr. Street is now here; we have heard his statement, and have not changed our opinion.

Your committee would add, that we think the deputy left in charge has not been diligent and prompt in the discharge of his duties, and as the best solution of the whole matter, recommend that the resolution be adopted.

MEYERS, Chairman.

*Resolved*, That this House do annul the election of Postmaster, and proceed to the election of a Postmaster who is willing to serve this body in that capacity, at the price per diem allowed by law.

Adopted.

On motion of Mr. Tinnin, the House proceeded to the election of Postmaster.

Mr. Patterson nominated Willie Luce.

Mr. Dixon nominated L. Berger.

Mr. Terrill nominated H. Enkle.

The roll was called, with the following result:

	Wm. Luce. ....	Louis Berger.....	Herman Enkle.....
Ables.....			1
Aldrich. ....			1
Amerman.....			1
Barton .....		1	.....
Bowers .....			1
Bradley .....			1
Bryan .....			1
Burt .....			.....
Byers .....		1	.....
Byrnes.....		1	.....
Canfield .....			1
Carter.....			1
Chandler ..			1
Clark.....			1
Coggins .....			1
Cowdery .....			1

	Wm. Luce.....	Louis Berger.....	Herman Enkle.....
Cressler .....		1	
Davis.....		1	
Dixon .....		1	
Escandon .....		1	
Fahey .....		1	
Franck .....			1
Freeman.....			1
Freidenrich .....			1
Ferguson.....			
Giffen .....		1	
Gilmore of Calaveras.....			1
Gilmore of El Dorado.....		1	
Gray .....			1
Gurnett.....			1
Hamill .....			1
Hammitt.....			1
Hay .....		1	
Heald .....			1
Higbie.....		1	
Hill .....		1	
Howe .....		1	
Hurlburt.....			1
Ingham.....		1	
Kercheval.....		1	
Klotz.....		1	
Knox.....	1		
Long .....			
McBride .....		1	
McCallum .....			1
Meyers.....			1
Miller .....			1
Morgan.....		1	
Murphy .....		1	
Northcutt .....		1	
Northup.....		1	
Norton .....			1
Parker .....			
Patterson .....	1		
Paulsell .....		1	
Peek .....			1
Pelham.....		1	
Pishon .....			1
Rea .....		1	
Rogers .....			1

	Wm. Luce.....	Louis Berger.....	Herman Enkle....
Roush.....	.....	.....	1
Russell.....	.....	.....	1
Simpers.....	.....	1	.....
Simpson.....	.....	1	.....
Snyder.....	.....	.....	1
Stowers.....	.....	.....	1
Summers.....	.....	.....	.....
Swift.....	.....	.....	1
Terrill.....	.....	.....	1
Tinnin.....	.....	1	.....
Thomas.....	.....	.....	1
Tully.....	.....	1	.....
Vandall.....	.....	.....	1
Venable.....	.....	1	.....
Welch.....	.....	1	.....
Wickware.....	.....	.....	1
Williams.....	.....	.....	.....
Winchell.....	.....	.....	1
Wright.....	.....	1	.....
Mr. Speaker.....	.....	.....	1

Whole number of votes cast.....	74
Necessary to a choice.....	38
Luce received.....	2
Berger received.....	32
Enkle received.....	40

Mr. Enkle, having received a majority of all the votes cast, was declared elected Postmaster of the Assembly.

#### RESOLUTIONS.

By Mr. Welch:

WHEREAS, It is a well known fact that some of the District Judges of this State are overworked, and others are very lightly worked; and whereas, there is a disposition in certain counties to procure legislation for the organization of new districts to facilitate litigation, and to relieve the overworked Judges; therefore,

*Resolved*, That the Judiciary Committee be requested to investigate the matter and inquire into the necessity of a reorganization of the judicial districts of the State, for the purpose of distributing the work more equally among the Judges thereof, and that said committee report a bill therefor, if it shall deem a bill to be necessary.

Adopted.

WELCH,  
Lake and Napa.



By Mr. Terrill:

*Resolved*, That all papers and documents presented to this House relating to its action, and from which the records are made, including the minutes furnished the Journal Clerk by the Minute Clerk, are the property of this House, and as such, are required to be placed in the custody of the House, in accordance with section two hundred and fifty-four of the Political Code, to be by them disposed of the same as other records, at the close of the session.

On motion of Mr. Parker, the resolution was referred to a special committee of three, to report to the House to morrow.

The Speaker announced as the special committee on the above resolution, Messrs. Parker, Terrill, and Welch.

On motion of Mr. Meyers, four hundred and eighty copies of Assembly Bill No. 40 were ordered to be printed.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
December 15th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this, the fifteenth day of December, A. D. eighteen hundred and seventy-three, passed, under suspension of the rules, Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six; and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

Also, passed Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County.

Also, passed Senate Joint Resolution No. 12—asking Congress for an appropriation to remove obstructions from navigable rivers of this State.

Also, passed Senate Bill No. 4—An Act to amend section forty-one hundred and nine of the Political Code of the State of California.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
December 16th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on Wednesday, the tenth day of December, A. D. eighteen hundred and seventy-three, appointed and elected Senators Edgerton and Finney, on behalf of the Senate, Committee on Retrenchment of Public Expenditures, in accordance with Senate Concurrent Resolution No. 2.

Also, passed the following resolution:

*Resolved*, That the Assembly be requested to return Assembly Bill

No. 10—relating to roads in Marin County—to the Senate, to correct a clerical error in the indorsement of said bill.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
December 16th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this sixteenth day of December, A. D. eighteen hundred and seventy-three, passed Senate Joint Resolution No. 3—asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for private purposes of speculation.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 4, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 12, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 28, above reported, read first and second times, and referred to the San Mateo delegation.

Senate Joint Resolution No. 3, above reported, read first and second times, and referred to the Committee on Irrigation.

Resolution, above reported, asking return of Assembly Bill No. 10, was adopted.

#### NOTICES.

By Mr. Northcutt, of a bill regulating the salaries of county officers in the County of Sonoma.

By Mr. Freeman—Substitute for Rule Number Fifty-five of the Standing Rules of the House:

*Resolved*, That two hundred and forty copies, of all bills of a general character, shall be printed. No local or special bill, or other matter, shall be printed without first being specially ordered by the House; and the Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity, before payment shall be made or bills audited therefor.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gray—An Act to repeal certain sections of the Political Code relating to the State Land Agent, residing at Washington, D. C.

Read first and second times, and referred to the Committee on Public Lands.

#### GENERAL FILE.

Assembly Bill No. 45—An Act supplementary to and amendatory of an

Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Referred to the Judiciary Committee.

Assembly Bill No. 25.—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, and Kern.

Pending consideration of Assembly Bill No. 25, the House, at twelve o'clock, meridian, took up consideration of special order—the election for one United States Senator to succeed the Honorable Eugene Casserly, and the election for one United States Senator to fill the vacancy caused by the resignation of the Honorable Eugene Casserly—in accordance with the following Act of Congress:

CHAPTER CCXIV.—*An Act to regulate the time and manner of holding elections for Senators in Congress.*

[Approved July 25, 1866.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in the place of such Senator so going out of office, in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each House shall be entered on the Journal of each House by the Clerk or Secretary thereof; but if either House shall fail to give such majority to any person on said day, that fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this Act, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present a person for the purpose aforesaid. And the person having a majority of all the votes of the said Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature and take at least one vote, until a Senator shall be elected.

SEC. 2. *And be it further enacted,* That whenever on the meeting of the Legislature of any State a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner

hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized and shall have notice of such vacancy.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of the State.

The roll of the Assembly was called, and the following members responded:

Messrs. Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peck, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpsons, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

NOMINATIONS FOR SENATOR TO SUCCEED THE HONORABLE EUGENE CASSERLY.

Mr. Tinnin nominated Honorable J. T. Farley.

Mr. Amerman nominated Honorable J. McMillan Shafter.

Mr. Swift nominated Honorable Newton Booth.

The roll was called, with the following result:

Names.	J. T. Farley .....	Newton Booth ..	J. McM. Shafter ..
Ables .....		1	.....
Aldrich .....		1	.....
Amerman .....			1
Barton .....		1	.....
Bowers .....			1
Bradley .....		1	.....
Bryan .....		1	.....
Burt .....		1	.....
Byers .....		1	.....
Byrnes .....		1	.....
Canfield .....		1	.....
Carter .....			1
Chandler .....		1	.....
Clark .....	1		.....

Names.	V. T. Farley .....	Newton Booth.....	J. McM. Shafter..
Coggins.....		1	
Cowdery.....		1	
Cressler.....		1	
Davis.....	1		
Dixon.....	1		
Escandon.....	1		
Fahey.....	1		
Franck.....		1	
Freeman.....		1	
Freidenrich.....		1	
Ferguson.....	1		
Giffen.....	1		
Gilmore of Calaveras.....			1
Gilmore of El Dorado.....	1		
Gray.....		1	
Gurnett.....			1
Hamill.....		1	
Hammitt.....		1	
Hay.....		1	
Heald.....		1	
Higbie.....		1	
Hill.....	1		
Howe.....	1		
Hurlburt.....		1	
Ingham.....	1		
Kercheval.....		1	
Klotz.....	1		
Knox.....		1	
Long.....			1
McBride.....	1		
McCallum.....	1		
Meyers.....		1	
Miller.....		1	
Morgan.....			1
Murphy.....	1		
Northcutt.....	1		
Northup.....	1		
Norton.....		1	
Parker.....	1		
Patterson.....		1	
Paulsell.....		1	
Peek.....			1
Pelham.....	1		
Pishon.....		1	
Rea.....		1	
Rogers.....		1	

Names.	J. T. Farley .....	Newton Booth....	J. McM. Shafter..
Roush.....		1	.....
Russell .....		1	.....
Simpers.....	1		.....
Simpson .....		1	.....
Snyder .....			1
Stowers .....	1		.....
Summers.....	1		.....
Swift .....		1	.....
Terrill.....		1	.....
Tinnin.....	1		.....
Thomas .....		1	.....
Tully .....	1		.....
Vandall .....		1	.....
Venable .....	1		.....
Welch .....	1		.....
Wickware .....		1	.....
Williams .....	1		.....
Winchell.....		1	.....
Wright.....	1		.....
Mr. Speaker.....		1	.....

Whole number of votes cast.....	80
James T. Farley received.....	28
Newton Booth received.....	43
J. McM. Shafter received.....	9

The Speaker declared the vote, and that Newton Booth is the choice of the Assembly for United States Senator for California, to succeed the Hon. Eugene Casserly.

#### NOMINATIONS FOR THE SHORT TERM.

Election of United States Senator, to fill the unexpired term of the Hon. Eugene Casserly, resigned.

Mr. Williams nominated Hon. J. S. Hager.

Mr. Freeman nominated Hon. Cornelius Cole.

Mr. Bradley nominated Hon. Jesse O. Goodwin.

Mr. Coggins nominated Creed Haymond.

The roll was called, with the following result:

Names.	Hager .....	Cole .....	Goodwin.....	Haymond....	Swift .....	Lewis .....	Haight.....	Edgerton ....	Bradley .....
Ables .....		1							
Aldrich .....					1				
Amerman .....			1						
Barton.....						1			
Bowers.....			1						
Bradley.....			1						
Bryan.....				1					
Burt .....			1						
Byers .....		1							
Byrnes .....		1							
Canfield.....	1								
Carter .....			1						
Chandler.....			1						
Clark .....	1								
Coggins .....				1					
Cowdery .....					1				
Cressler.....			1						
Davis .....	1								
Dixon.....	1								
Escandon .....	1								
Fahey .....	1								
Franck .....		1							
Freeman .....		1							
Freidenrich.....							1		
Ferguson .....	1								
Giffen .....	1								
Gilmore of Calaveras.....			1						
Gilmore of El Dorado.....	1								
Gray .....				1					
Gurnett .....		1							
Hamill .....							1		
Hammitt .....		1							
Hay .....	1								
Heald .....		1							
Higbie .....		1							
Hill .....	1								
Howe .....	1								
Hurlburt.....		1							
Ingham .....	1								
Kercheval.....				1					
Klotz .....	1								
Knox.....			1						
Long .....		1							
McBride .....	1								
McCallum .....	1								
Meyers .....	1								
Miller .....									1
Morgan.....		1							

Names.	Hager .....	Cole .....	Goodwin.....	Haymond....	Swift .....	Lewis .....	Haight.....	Edgerton ...	Bradley , ...
Murphy.....				1					
Northcutt .....	1								
Northup .....									
Norton .....							1		
Parker .....							1		
Patterson .....		1							
Paulsell .....	1								
Peek .....		1							
Pelham.....	1								
Pishon .....	1								
Rea .....		1							
Rogers .....					1				
Roush .....							1		
Russell .....	1								
Simpers .....	1								
Simpson .....		1							
Snyder .....			1						
Stowers .....	1								
Summers .....	1								
Swift .....								1	
Terrill .....					1				
Tinnin .....	1								
Thomas .....					1				
Tully .....	1								
Vandall .....		1							
Venable .....	1								
Welch .....	1								
Wickware .....					1				
Williams .....	1								
Winchell .....		1							
Wright .....	1								
Mr. Speaker.....	1								

Whole number of votes cast..	79
Mr. Hager received.....	32
Mr. Cole received.....	18
Mr. Goodwin received.....	10
Mr. Haymond received.....	5
Mr. Swift received .....	6
Mr. Lewis received.....	1
Mr. Haight received.....	5
Mr. Edgerton received.....	1
Mr. Bradley received.....	1

No choice.



## RESOLUTION.

By Mr. Swift:

*Resolved*, That the Clerk forthwith inform the Senate of the vote for United States Senators in this House, and that the Senate be requested to meet in the Assembly Chamber to-morrow, December seventeenth, eighteen hundred and seventy-three, in Joint Convention, for the purpose of electing two United States Senators, pursuant to an Act of Congress entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six.

Adopted.

At one o'clock P. M., on motion of Mr. Swift, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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 IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, December 17th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were made as follows:

By Mr. Davis:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 10—An Act to provide for the building of and furnishing of Court House, offices, and Jail in Merced County, and for improving the Court House grounds—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment beg leave to report that they have examined and find correctly enrolled Assembly Bill No. 13—An Act supplementary to an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-

fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

And that the same were, this day, at ten o'clock and fifty-five minutes A. M., delivered to the Governor, for his approval.

ALEX. HAY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Judiciary Committee have considered Assembly Bill No. 7—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three—and report it back with a substitute, and a majority of the committee recommend the passage of the substitute.

WILLIAMS, Chairman.

By Mr. Venable:

Mr. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Joint Resolution No. 5, have examined the same, and beg leave to report it back, with the recommendation of the adoption of the accompanying resolution as a substitute.

J. W. VENABLE, Chairman.

Also, by the same:

Mr. SPEAKER: The Committee on Irrigation, to whom was referred Senate Joint Resolution No. 3—asking Congress to allow the people of the State to use the waters of the State for the several good of the people, and not for private purposes of speculation—have had the same under consideration, and ask to report the same back, and recommend its passage.

VENABLE, Chairman.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means, having had under advisement Assembly Bill No. 47, report the same back, with the recommendation that the bill pass, with the title as amended.

FREEMAN, Chairman.

#### SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 17th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixteenth day of December, A. D. eighteen hundred and seventy-three, adopted Senate Concurrent Resolution No. 14—indorsing

the action of our Representatives in Congress relative to the prohibition of coolie immigration.

Also, return Assembly Bill No. 10—relative to roads in Marin County, with clerical error corrected.

T. J. SHACKLEFORD,  
Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 14, above reported, read first and second times, and referred to Committee on Federal Relations.

#### NOTICES OF BILLS.

By Mr. Parker, of a bill for the relief of Round Valley School District, County of Inyo.

By Mr. Snyder, of a bill regulating salary of county officers in the County of Mariposa.

By Mr. Paulsell, of a bill defining the duties of Assessors of the several counties of this State, and provide for the assessing of all the property of this State, and to prevent double taxation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bradley—An Act to amend section two thousand six hundred and forty-five of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, and Kern.

Recommitted to the Committee on Agriculture.

Assembly Concurrent Resolution No. 2—relative to a breakwater at Crescent City, Del Norte County, State of California.

Ordered engrossed.

On motion of Mr. Bowers, Substitute for Assembly Bill No. 7 was made the special order for to-morrow, at one o'clock, and the substitute was ordered printed.

At eleven o'clock and fifty minutes, on motion of Mr. Amerman, the House took a recess until twelve o'clock M.

#### REASSEMBLED.

At twelve o'clock M. the House reassembled.

Speaker in the chair.

The roll was called, and the following members responded:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum,

Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

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## IN JOINT CONVENTION.

At twelve o'clock M., the Senate and Assembly met in Joint Convention for the purpose of electing a Senator to the Congress of the United States to succeed the Hon. Eugene Casserly; also, for the purpose of electing a Senator to the Congress of the United States to fill the vacancy occasioned by the resignation of Hon. Eugene Casserly; the Hon. Romualdo Pacheco, Lieutenant Governor and President of the Senate, and the Hon. M. M. Estee, Speaker of the Assembly, presiding.

The roll of the Senate was called by the Secretary, and the following Senators were present:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

The roll of the Assembly was called by the Clerk, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

A majority of all the members of both Houses being present, the President of the Senate declared the object of the Convention to be the election of Senator to the Congress of the United States, to succeed the Hon. Eugene Casserly, at the expiration of his term of office, in accordance with the requirements of an Act of Congress entitled an Act to regulate the time and manner of holding elections for Senators in Congress, approved July twenty-fifth, eighteen hundred and sixty-six; and which, by direction of the presiding officer, the Secretary of the Senate read, as follows:

CHAPTER CCXIV.—*An Act to regulate the time and manner of holding elections for Senators in Congress.*

[Approved July 25, 1866.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Legislature of each State which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent said State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress in the place of such Senator so going out of office, in the following manner: Each House shall openly, by a viva voce vote of each member present, name one person for Senator in Congress from said State, and the name of the person so voted for who shall have a majority of the whole number of votes cast in each House shall be entered upon the Journal of the House by the Clerk or Secretary thereof; but if either House shall fail to give such majority to any person on said day, that fact shall be entered on the Journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in Joint Assembly, and the Journal of each House shall then be read, and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected Senator to represent said State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings as required by this Act, the Joint Assembly shall then proceed to choose by a viva voce vote of each member present a person for the purpose aforesaid. And the person having a majority of all the votes of the said Joint Assembly, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the Joint Assembly shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature and take at least one vote, until a Senator shall be elected.

SEC. 2. *And be it further enacted,* That whenever on the meeting of the Legislature of any State a vacancy shall exist in the representation of such State in the Senate of the United States, said Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then on the second Tuesday after the Legislature shall have been organized and shall have notice of such vacancy.

SEC. 3. *And be it further enacted,* That it shall be the duty of the Governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election, under the seal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the Secretary of the State.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings on Tuesday, December sixteenth (being the second Tuesday after the organization of the twentieth session of the Legislature), as relates to a ballot for the election of a United States Senator to succeed the Hon. Eugene Casserly, whereby it appeared that forty Senators were present and voted, each his choice; and that:

Hon. J. T. Farley received thirteen votes.

Hon. Newton Booth received thirteen votes.

Hon. J. McM. Shafter received thirteen votes.

Hon. W. W. Pendegast received one vote.

The Clerk of the Assembly also read so much of the proceedings on Tuesday, December sixteenth, as related to its action on a ballot for United States Senator, taken on that day (being the second Tuesday after the organization of the twentieth session of the Legislature of California), showing that eighty members of the Assembly were present and voted, each his choice, for United States Senator to succeed the Hon. Eugene Casserly; and that:

J. T. Farley received twenty-eight votes.

Newton Booth received forty-three votes.

J. McM. Shafter received nine votes.

The President of the Senate declared the Joint Convention duly organized, in compliance with the Act of Congress above quoted; and the two Houses not having voted for any person receiving a majority vote of both Houses, that the Legislature, in Joint Convention assembled, would proceed to elect a Senator to Congress by joint ballot.

#### NOMINATIONS.

Nominations for the office of Senator to succeed the Hon. Eugene Casserly, being in order:

Mr. Edgerton nominated Newton Booth.

Mr. Pendegast nominated J. T. Farley.

Mr. Oulton nominated J. McM. Shafter.

And the Convention proceeded to ballot, with the following result:

#### THE VOTE OF SENATORS.

	Booth.....	Farley.....	Shafter.....	Pendegast..
Andross.....			1	
Bartlett.....	1			
Beck.....		1		
Boggs.....		1		
Bush.....	1			
Crane.....			1	
DeHaven.....	1			
Duffy.....			1	
Dyer.....			1	
Eakin.....		1		
Edgerton.....	1			
Evans.....			1	
Farley.....				1
Finney.....			1	
Fraser.....			1	
Garratt.....	1			
Gibbons.....	1			

	Booth.....	Farley.....	Shafter....	Pendegast..
Goodale .....	1			
Graves.....		1		
Hendricks.....		1		
Hopkins.....			1	
Irwin.....		1		
Kent.....			1	
Keys.....		1		
Laine.....	1			
Lindsey.....	1			
Martin.....	1			
McCoy.....		1		
McCune.....	1			
McKusick.....			1	
McMurry....		1		
Neff.....			1	
O'Connor.....		1		
Oulton.....			1	
Pendegast.....		1		
Perkins.....	1			
Roach.....		1		
Spencer.....	1			
Turner.....	1			
Tuttle.....		1		

The Clerk of the Assembly called the roll of the Assembly, and each member present announced the name of his choice for Senator, as follows:

	Booth.	Farley.	Shafter.
Ables.....	1		
Aldrich .....	1		
Amerman .....			1
Barton .....	1		
Bowers .....			1
Bradley.....	1		
Bryan.....	1		
Burt.....	1		
Byers.....	1		
Byrnes .....	1		
Canfield.....	1		
Carter .....			1
Chandler .....	1		
Clark .....		1	
Coggins.....	1		

	Booth.	Farley.	Shafter.
Cowdery .....	1	..	.....
Cressler .....	1	.....	.....
Davis .....	.....	1	.....
Dixon .....	.....	1	.....
Escandon .....	.....	1	.....
Fahey .....	.....	1	.....
Franck .....	1	.....	.....
Freeman .....	1	.....	.....
Freidenrich .....	1	.....	.....
Ferguson .....	.....	1	.....
Giffen .....	.....	1	.....
Gilmore of Calaveras .....	.....	.....	1
Gilmore of El Dorado .....	.....	1	.....
Gray .....	1	.....	.....
Gurnett .....	.....	.....	1
Hamill .....	1	.....	.....
Hammitt .....	1	.....	.....
Hay .....	1	.....	.....
Heald .....	1	.....	.....
Higbie .....	1	.....	.....
Hill .....	.....	1	.....
Howe .....	.....	1	.....
Hurlburt .....	1	.....	.....
Ingham .....	.....	1	.....
Kercheval .....	1	.....	.....
Klotz .....	.....	1	.....
Knox .....	1	.....	.....
Long .....	.....	.....	1
McBride .....	.....	1	.....
McCallum .....	.....	1	.....
Meyers .....	1	.....	.....
Miller .....	1	.....	.....
Morgan .....	.....	.....	1
Murphy .....	.....	1	.....
Northcutt .....	.....	1	.....
Northup .....	.....	1	.....
Norton .....	1	.....	.....
Parker .....	.....	1	.....
Patterson .....	1	.....	.....
Paulsell .....	1	.....	.....
Peek .....	.....	.....	1
Pelham .....	.....	1	.....
Pishon .....	1	.....	.....
Rea .....	1	.....	.....
Rogers .....	1	.....	.....
Roush .....	1	.....	.....
Russell .....	.....	1	.....
Simpers .....	.....	1	.....
Simpson .....	1	.....	.....
Snyder .....	.....	.....	1



	Booth.	Farley.	Shafter.
Stowers .....		1	.....
Summers.....		1	.....
Swift .....	1		.....
Terrill .....	1		.....
Tinnin .....		1	.....
Thomas .....	1		.....
Tully .....		1	.....
Vandall.....	1		.....
Venable .....		1	.....
Welch .....	1		.....
Wickware .....	1		.....
Williams .....		1	.....
Winchell.....	1		.....
Wright .....		1	.....
Mr. Speaker.....	1		.....

Whole number of votes cast.....	120
Necessary to a choice.....	61
Newton Booth received.....	57
James T. Farley received.....	41
J. McMillan Shafter received.....	21
W. W. Pendegast received.....	1

No choice.

#### ELECTION OF SENATOR FOR THE UNEXPIRED TERM OF EUGENE CASSERLY.

On motion of Mr. Pendegast, the Joint Convention proceeded to the election of a United States Senator to fill the unexpired term of Hon. Eugene Casserly.

#### NOMINATIONS.

Mr. Roach nominated John S. Hager.

Mr. Amerman nominated J. McMillan Shafter.

Mr. Coggins nominated Creed Haymond.

The roll of Senators was called, and each Senator present announced the name of the person for whom he voted, as follows:

	Hager .....	Shafter.....	Haymond...	Laine .....	Goodwin...	Swift .....	Temple ....
Andross.....		1					
Bartlett.....	1						
Beck .....	1						
Boggs.....	1						
Bush.....				1			

	Hager .....	Shaffer.....	Haymond..	Laine .....	Goodwin...	Swift.....	Temple...
Crane.....		1					
DeHaven.....					1		
Duffy.....		1					
Dyer.....		1					
Eakin.....	1						
Edgerton.....						1	
Evans.....		1					
Farley.....	1						
Finney.....		1					
Fraser.....		1					
Garratt.....		1					
Gibbons.....				1			
Goodale...				1			
Graves.....	1						
Hendricks.....	1						
Hopkins.....		1					
Irwin.....	1						
Kent.....		1					
Keys.....	1						
Laine.....							1
Lindsey.....				1			
Martin.....	1						
McCoy.....	1						
McCune....	1						
McKusick.....		1					
McMurry.....	1						
Neff.....		1					
O'Connor.....	1						
Oulton.....		1					
Pendegast...	1						
Perkins.....					1		
Roach.....	1						
Spencer.....					1		
Turner.....		1					
Tuttle.....	1						

The Clerk of the Assembly called the roll of that body, and each member present announced the name of his choice for Senator, as follows:



	Hager	Shaffer	Haymond	Laine	Freeman	Goodwin	Swift	De Haven	Edgerton	Gildea	Haight	Perkins	Pendegast	Cowdery	Estee	Irwin
Snyder.....	1															
Stowers.....	1															
Summers.....	1															
Swift.....														1		
Terrill.....									1							
Tinnin.....	1															
Thomas.....															1	
Tully.....	1															
Vandall.....																1
Venable.....	1															
Welch.....	1															
Wickware.....									1							
Williams.....	1															
Winchell.....						1										
Wright.....	1															
Mr. Speaker.....								1								

Whole number of votes cast.....	119
Necessary to a choice.....	60
J. S. Hager received.....	45
J. McMillan Shaffer received.....	24
T. H. Laine received.....	6
J. O. Goodwin received.....	12
John F. Swift received.....	4
Jackson Temple received.....	1
Creed Haymond received.....	7
F. S. Freeman received.....	2
J. J. DeHaven received.....	2
Henry Edgerton received.....	4
H. H. Haight received.....	4
Charles Gildea received.....	2
George C. Perkins received.....	1
W. W. Pendegast received.....	1
William Irwin received.....	1
J. F. Cowdery received.....	2
M. M. Estee received.....	1

No choice.

At one o'clock and thirty-five minutes P. M. on motion of Mr. Edger-ton, the Joint Convention adjourned to twelve o'clock M., on Thursday, December eighteenth, eighteen hundred and seventy-three.

#### IN ASSEMBLY.

The Senate having retired, the roll of the Assembly was called.  
 Quorum present.  
 Speaker in the chair.

## MOTION.

Mr. Cowdery moved to take up for consideration Assembly Bill No. 47.  
Lost.

## CLAIM.

Mr. Kercheval presented a claim of Mr. Collisch for services as Porter of the Judiciary Committee of the Assembly, session of eighteen hundred and seventy-one-two, for the term of five days.

Referred to the Committee on Claims

At one o'clock and forty-five minutes P. M., on motion of Mr. Murphy, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, December 18th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORT.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee have considered Senate Bill No. 4—An Act to amend section forty-one hundred and nine of the Political Code of the State of California—and report it back with an amendment, and recommend its passage as amended.

WILLIAMS, Chairman.

The rules were suspended for the consideration of Senate Bill No. 4, above reported, and the amendment reported by the Judiciary Committee was adopted.

Mr. Terrill moved to recommit the bill to the Judiciary Committee.

Lost.

Mr. Terrill moved to print two hundred and forty copies.

Lost.

Pending the consideration of Senate Bill No. 4, the House went into joint session for the election of United States Senator.

## IN JOINT CONVENTION.

THURSDAY, December 18th, 1873.

President of the Senate and Speaker of the Assembly presiding.  
The roll of Senators was called, and the following responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

The roll of the Assembly was called, and the following members responded:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

The Secretary of the Senate read so much of the Journal of the Senate of yesterday as related to the election of a United States Senator to succeed the Hon. Eugene Casserly; also, of the election of a United States Senator to fill the vacancy occasioned by the resignation of the Hon. Eugene Casserly.

The roll was called, for United States Senator to succeed Hon. Eugene Casserly, with the following result:

	Farley.....	Booth.....	Shafter.....	Pendegast..
Andross.....			1	.....
Bartlett.....		1		.....
Beck.....	1			.....
Boggs.....	1			.....
Bush.....		1		.....
Crane.....			1	.....
DeHaven.....		1		.....
Duffy.....			1	.....
Dyer.....			1	.....
Eakin.....	1			.....
Edgerton.....		1		.....

	Farley.....	Booth.....	Shafter.....	Pendegast..
Evans.....			1	.....
Farley.....				1
Finney.....			1	.....
Fraser.....			1	.....
Garratt.....		1		.....
Gibbons.....		1		.....
Goodale.....		1		.....
Graves.....	1			.....
Hendricks.....	1			.....
Hopkins.....			1	.....
Irwin.....	1			.....
Kent.....			1	.....
Keys.....	1			.....
Laine.....		1		.....
Lindsey.....		1		.....
Martin.....		1		.....
McCoy.....	1			.....
McCune.....		1		.....
McKusick.....			1	.....
McMurry.....	1			.....
Neff.....			1	.....
O'Connor.....	1			.....
Oulton.....			1	.....
Pendegast.....	1			.....
Perkins.....		1		.....
Roach.....	1			.....
Spencer.....		1		.....
Turner.....		1		.....
Tuttle.....	1			.....

Whole number of Senators voting.....40

Newton Booth received.....14

James T. Farley received.....13

James McMillan Shafter received.....12

W. W. Pendegast received.....1

The roll of the Assembly was called, with the following result:

	Booth.	Farley.	Shafter.
Ables.....	1		.....
Aldrich.....	1		.....
Amerman.....			1
Barton.....	1		.....

	Booth.	Farley.	Shafter.
Bowers.....			1
Bradley.....	1		
Bryan.....	1		
Burt.....	1		
Byers.....	1		
Canfield.....	1		
Carter.....			1
Chandler.....	1		
Clark.....		1	
Coggins.....	1		
Cowdery.....	1		
Cressler.....	1		
Davis.....		1	
Dixon.....		1	
Escandon.....		1	
Fahey.....		1	
Franck.....	1		
Freeman.....	1		
Freidenrich.....	1		
Ferguson.....		1	
Giffen.....		1	
Gilmore of Calaveras.....			1
Gilmore of El Dorado.....		1	
Gray.....	1		
Gurnett.....			1
Hamill.....	1		
Hammitt.....	1		
Hay.....	1		
Heald.....	1		
Higbie.....			
Hill.....		1	
Howe.....		1	
Hurlburt.....	1		
Ingham.....		1	
Kercheval.....	1		
Klotz.....		1	
Knox.....	1		
Long.....			1
McBride.....		1	
McCallum.....		1	
Meyers.....	1		
Miller.....	1		
Morgan.....			1
Murphy.....		1	
Northcutt.....		1	
Northup.....		1	
Norton.....	1		
Parker.....		1	
Patterson.....	1		
Paulsell.....	1		



	Booth.	Farley.	Shafter.
Peek .....			1
Pelham .....		1	
Pishon .....	1		
Rea .....	1		
Rogers .....	1		
Roush .....	1		
Russell .....		1	
Simpers .....		1	
Simpson .....	1		
Snyder .....			1
Stowers .....		1	
Summers .....		1	
Swift .....	1		
Terrill .....	1		
Tinnin .....		1	
Thomas .....	1		
Tully .....		1	
Vandall .....	1		
Venable .....		1	
Welch .....	1		
Wickware .....	1		
Williams .....		1	
Winchell .....	1		
Wright .....		1	
Mr. Speaker .....	1		

Whole number of votes cast.....	119
Necessary to a choice.....	60
Newton Booth received..	56
James T. Farley received.....	41
J. McMillan Shafter received .....	21
W. W. Pendegast received.....	1

No choice.

Mr. Irwin moved that the Joint Assembly do now proceed to the election of a United States Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. Eugene Casserly.

The motion prevailed.

The Secretary of the Senate called the roll of the Senate, and each Senator pronounced the name of the person for whom he voted, as follows:

	Hager .....	Shafter .....	Downey ...	Goodwin....	DeHaven...	Pacheco ....	Belcher .....	Temple.....
Andross .....		1						
Bartlett.....	1							
Beck .....	1							
Boggs .....	1							
Bush .....			1					
Crane.....		1						
DeHaven .....				1				
Duffy .....		1						
Dyer .....		1						
Eakin.....	1							
Edgerton .....					1			
Evans .....		1						
Farley ....	1							
Finney .....		1						
Fraser .....		1						
Garratt.....		1						
Gibbons .....						1		
Goodale .....							1	
Graves .....	1							
Hendricks.....	1							
Hopkins.....		1						
Irwin.....	1							
Kent .....		1						
Keys .....	1							
Laine .....								1
Lindsey .....			1					
Martin.....	1							
McCoy.....	1							
McCune.....	1							
McKusick.....		1						
McMurry .....	1							
Neff .....		1						
O'Connor .....	1							
Oulton .....		1						
Pendegast.....	1							
Perkins .....							1	
Roach .....	1							
Spencer .....							1	
Turner .....		1						
Tuttle .....	1							

Whole number of Senators voting.....40  
 John S. Hager received.....17  
 J. McMillan Shafter received.....14  
 John G. Downey received.....2  
 J. O. Goodwin received.....1  
 J. J. DeHaven received.....1



	Edgerton....	Gildea .....	Haight, ....	DeHaven....	Laine.....	Murphy ....	Downey.....	Cole .....	Goodwin .....	Belcher.....	Haymond....	Swift.....	Freeman .....	Shafter.....	Hinger .....
Pelham .....							1							1	
Pishon.....							1								
Rea.....				1											
Rogers.....		1													
Roush.....		1													
Russell.....		1													
Simpers.....														1	
Simpson.....											1				
Snyder.....													1		
Stowers.....														1	
Summers.....														1	
Terrill.....			1												
Tinnin.....														1	
Tully.....														1	
Venable.....						1									
Welch.....														1	
Williams.....														1	
Winchell.....									1						
Wright.....														1	
Mr. Speaker...			1												

Whole number of votes cast.....	118
Necessary to a choice.....	60
J. S. Hager received.....	41
J. McMillan Shafter received.....	25
John G. Downey received.....	6
Jackson Temple received.....	1
J. O. Goodwin received.....	2
I. S. Belcher received.....	7
J. J. DeHaven received.....	3
R. Pacheco received.....	1
F. S. Freeman received.....	1
J. F. Swift received.....	2
Creed Haymond received.....	6
Cornelius Cole received.....	1
J. E. Murphy received .....	1
T. H. Laine received.....	3
H. H. Haight received.....	8
Charles Gildea received.....	1
Henry Edgerton received.....	2
Mr. Norton received.....	1
George C. Perkins received.....	1
E. Fahy received.....	1
M. M. Estee received.....	1
Caleb T. Fay received.....	1
T. G. Phelps received.....	2

No choice.

At one o'clock p. m., on motion of Mr. Pendegast, the Joint Convention adjourned until to-morrow, at twelve o'clock m.

## IN ASSEMBLY.

The Senators having withdrawn, the roll of the Assembly was called, and quorum present.

Speaker in the chair.

## SPECIAL ORDER.

On motion of Mr. Bowers, the special order, Substitute for Assembly Bill No. 7, was postponed, and made the special order for to-morrow, at eleven o'clock and thirty minutes A. M.

At one o'clock and five minutes P. M., the House took up for consideration Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Murphy, Terrill, and Vandall, and the bill was passed, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Miller, Morgan, Northcutt, Parker, Patterson, Peek, Pishon, Rea, Rogers, Russell, Simpers, Snyder, Stowers, Terrill, Tinnin, Thomas, Tully, Welch, Wickware, Williams, Wright, and Mr. Speaker—65.

NOES—Messrs. Meyers, Murphy, Northup, Norton, Paulsell, Pelham, Simpson, Summers, Swift, Vandall, Venable, and Winchell—11.

Mr. Terrill gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed Senate Bill No. 4.

## SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 17th, 1873. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, on motion of Mr. Evans, respectfully return Assembly message of December sixteenth, relative to balloting for United States Senator.

J. B. CHINN,  
Assistant Secretary.

*Resolved*, That the Assembly be requested to return Senate Concurrent Resolution No. 14, to the Senate, for the purpose of re-referring the same to the Committee on Federal Relations.

J. B. CHINN,  
Assistant Secretary.

The resolution was returned, as requested.

## REPORTS.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 1—to procure the repeal of import duty on burlaps, and grain and wool sacks—beg leave to report that they have had the same under consideration, and respectfully recommend its passage.

FRANCK, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined, and find correctly engrossed, Assembly Concurrent Resolution No. 2—relative to a breakwater at Crescent City, Del Norte County, State of California.

BRADLEY, Chairman.

By Mr. Pishon:

Mr. SPEAKER: The San Bernardino delegation, to whom was referred Assembly Bill No. 44—An Act to repeal, so far as it relates to San Bernardino County, an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to make the same applicable to the County of San Bernardino—beg leave to report the same back, and recommend its passage.

PISHON, for Delegation.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 17th, 1873. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 13—An Act supplemental to an Act entitled an Act to amend an Act entitled an Act to authorize the Board of Trustees of Woodland School District, in the County of Yolo, to borrow money for certain purposes, and provide for the payment of the same, approved February twenty-fourth, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 20—An Act in relation to the School Fund of Tehama County.

NEWTON BOOTH,  
Governor.

## RESOLUTIONS.

By Mr. Amerman:

*Resolved*, That the pamphlets furnished to the members of this House, purporting to contain the Rules of the House, be returned to the State

Printer, as the Rules, as adopted by this House, are not contained therein.

Adopted.

By Mr. Norton:

*Resolved*, That George E. Williams and L. Miller be and are hereby added to the Committee on Water and Irrigation.

The resolution was amended as follows:

*Resolved*, That two members be added to the Committee on Water and Irrigation.

The resolution, as amended, was adopted.

#### NOTICE.

By Mr. Knox, of a bill for the better distribution of the school money of this State.

#### INTRODUCTION OF BILLS.

By Mr. Thomas—An Act to amend section eight hundred and ninety-two of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

Also, An Act to amend section one thousand five hundred and nineteen of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gray—An Act to repeal certain sections of the Political Code, approved March twelfth, eighteen hundred and seventy-two, relating to an educational journal.

Read first and second times, and referred to the Committee on Education.

By Mr. Vandall—An Act to appropriate money for the expenses of the Tide Land Commissioners.

Read first and second times, and referred to Committee on Claims.

By Mr. Burt—An Act to amend section twelve hundred and sixty-one of the Political Code, relating to election returns.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty-six, and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight.

Amendments reported by the Senate were concurred in by the House.

Senate Joint Resolution No. 3—asking Congress to allow the people of the State to use the waters of the State for the general good of the people, and not for private purposes of speculation.

Adopted.

Assembly Joint Resolution No. 5—to prevent granting subsidies to the San Joaquin and Kings River Irrigating Company.

Ordered engrossed.

Assembly Bill No. 47—An Act to amend section thirty-seven hundred and fifty-seven of the Political Code.

The amendment reported by the Committee on Ways and Means adopted by the House.

Mr. Murphy moved to indefinitely postpone the bill, upon which the ayes and noes were demanded by Messrs. Murphy, Simpson, and Long, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bowers, Byrnes, Canfield, Carter, Fahey, Ferguson, Gilmore of Calaveras, Gurnett, Hay, Hurlburt, Long, McBride, Morgan, Murphy, Northup, Pelham, Rea, Simpson, Snyder, Summers, and Welch—22.

NOES—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Gilmore of El Dorado, Gray, Hamill, Hammitt, Heald, Hill, Howe, Ingham, Kercheval, Klotz, Knox, McCallum, Meyers, Miller, Northcutt, Norton, Parker, Patterson, Paulsell, Peek, Rogers, Roush, Russell, Sumpers, Stowers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—55.

Mr. Cowdery moved to suspend the rules, consider the bill engrossed, and placed upon its passage.

Lost.

The bill was ordered engrossed.

Senate Bill No. 10—An Act to provide for the building of and furnishing Court House, offices, and Jail in Merced County, and for improving the Court House grounds.

Read third time, and passed.

On motion of Mr. Ferguson, at two o'clock and fifty-five minutes P. M., the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, December 19th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were made as follows:

By Mr. Franck:

MR. SPEAKER: Your Committee on Federal Relations, to whom was



referred Assembly Concurrent Resolution No. 7—relative to granting pensions to the soldiers of the Mexican War of eighteen hundred and forty-six, eighteen hundred and forty-seven, and eighteen hundred and forty-eight—report that they have had the same under consideration, and recommend its passage.

F. C. FRANCK, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 35—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California—beg leave to report that they have had the bill under consideration, and they now report the same back to this House, and unanimously recommend its passage.

PATTERSON, Chairman.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having had under consideration Assembly Bill No. 33—entitled an Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. Horace Smith—report the same back, with the recommendation that it do not pass. The committee is of the opinion that the claim, if just, should be paid by the County of San Francisco, the case having originated in that county.

FREEMAN, Chairman.

By Mr. Tinnin:

MR. SPEAKER: The Committee on Claims, having had under consideration Assembly Bill No. 19—An Act to provide for the audit and payment of the balance remaining due of the Indian War indebtedness of the State of California—report that the subject involves the financial transactions of nearly all the Indian wars of this State, and embraces too large a scope for a legislative committee to make a personal examination of all matters connected with it, much of it being transactions between the General Government and our State. This debt has been before our Legislatures for many years. Several legislative committees, and Governors Bigler, Weller, Downey, Johnson, Stanford, Haight, and Booth have recognized these claims as a debt against this State. None of them, so far as the committee can learn, have reported unfavorable. Your committee, availing themselves of the reports of previous committees, the law on the subject, and other documentary evidences, are forced to the conclusion, that the State having assumed the responsibility of the debt through the legal acts of her Legislatures, is in honor and duty bound for the payment. The General Government is the source from which the money for the payment of this debt should come, and we believe that if our Representatives and Senators in Congress use due diligence, that California will be repaid for her outlay on this debt.

In conclusion, your committee recommend the passage of the bill.

TINNIN, Chairman.

#### RESOLUTIONS.

By Mr. Long—Concurrent Resolution relative to the manner of electing United States Senators to Congress.

Read first and second times, and referred to Committee on Federal Relations.

By Mr. Paulsell—Concurrent Resolution asking Congress to grant aid for the purpose of improving the navigation of the San Joaquin River.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Terrill:

*Resolved*, That the Special Committee appointed to investigate the City Hall of San Francisco, be and they are hereby authorized to employ a phonographic reporter to report the testimony taken during said investigation, at a cost not exceeding ten dollars per day for each day actually employed in going to and from San Francisco, and in taking and transcribing testimony.

Adopted.

#### SPECIAL ORDER.

At eleven o'clock and thirty minutes A. M., the House took up consideration of special order, being Substitute for Assembly Bill No. 7—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Pending consideration of the bill, the hour of twelve o'clock M. having arrived, the House went into Joint Convention for the election of United States Senators.

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### IN JOINT CONVENTION.

FRIDAY, December 19th, 1873.

The Joint Convention, for the election of United States Senators, met pursuant to adjournment, and in conformity to the Act of Congress heretofore recited.

The President of the Senate and the Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—40.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cow-

dery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—79.

The Secretary of the Senate read from the Journal of the Senate so much of the proceedings on Thursday, December eighteenth, eighteen hundred and seventy-three, as related to a ballot for the election of United States Senator to succeed the Hon. Eugene Casserly; also, to the election for United States Senator for the unexpired term made vacant by the resignation of the Hon. Eugene Casserly.

The Convention proceeded to ballot, with the following result:

FOR SENATOR FOR THE FULL TERM.

The Secretary of the Senate called the roll of the Senate, and each Senator pronounced the name of his choice for Senator in Congress for the full term, as follows:

	Farley.	Booth.	Shafter.	Irwin.
Andross.....			1	
Bartlett.....		1		
Beck.....	1			
Boggs.....	1			
Bush.....		1		
Crane.....			1	
De Haven.....		1		
Duffy.....			1	
Dyer.....			1	
Eakin.....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney.....		1		
Fraser.....			1	
Garratt.....		1		
Gibbons.....		1		
Goodale.....		1		
Graves.....		1		
Hendricks.....	1			
Hopkins.....			1	
Irwin.....	1			
Kent.....			1	
Keys.....	1			
Laine.....		1		
Lindsey.....		1		
Martin.....		1		

	Booth.	Farley.	Shafter.	Irwin.
McCoy .....	1			
McCune .....				
McKusick .....			1	
McMurry .....	1			
Neff .....			1	
O'Connor .....	1			
Oulton .....			1	
Pendegast .....	1			
Perkins .....		1		
Roach .....	1			
Spencer .....		1		
Turner .....		1		
Tuttle .....	1			

The roll of the Assembly was called by the Chief Clerk, when the result of the vote of the Joint Assembly was declared as follows:

	Booth.	Farley.	Shafter.	Irwin.
Ables .....	1			
Aldrich .....	1			
Amerman .....			1	
Barton .....	1			
Bowers .....			1	
Bradley .....	1			
Bryan .....	1			
Burt .....	1			
Byers .....	1			
Byrnes .....	1			
Canfield .....	1			
Carter .....			1	
Chandler .....	1			
Clark .....		1		
Coggins .....	1			
Cowdery .....	1			
Cressler .....	1			
Davis .....		1		
Dixon .....		1		
Escandon .....		1		
Fahey .....		1		
Franck .....	1			
Freeman .....	1			
Freidenrich .....	1			
Ferguson .....		1		
Giffen .....		1		
Gilmore of Calaveras .....			1	
Gilmore of El Dorado .....		1		
Gray .....	1			

	Farley.	Booth.	Shafter.	Irwin.
Gurnett.....			1	
Hamill.....	1			
Hammitt.....	1			
Hay.....	1			
Heald.....	1			
Higbie.....				
Hill.....		1		
Howe.....		1		
Hurlburt.....	1			
Ingham.....		1		
Kercheval.....	1			
Klotz.....		1		
Knox.....	1			
Long.....			1	
McBride.....		1		
McCallum.....	1			
Meyers.....	1			
Miller.....	1			
Morgan.....			1	
Murphy.....		1		
Northcutt.....		1		
Northup.....		1		
Norton.....	1			
Parker.....		1		
Patterson.....	1			
Paulsell.....	1			
Peek.....			1	
Pelham.....		1		
Pishon.....	1			
Rea.....	1			
Rogers.....	1			
Roush.....	1			
Russell.....		1		
Simpers.....		1		
Simpson.....	1			
Snyder.....			1	
Stowers.....		1		
Summers.....		1		
Swift.....	1			
Terrill.....	1			
Tinnin.....		1		
Thomas.....	1			
Tully.....		1		
Vandall.....	1			
Venable.....		1		
Welch.....	1			
Wickware.....	1			
Williams.....		1		
Winchell.....	1			
Wright.....		1		
Mr. Speaker.....	1			

Whole number of votes cast.....	118
Necessary to a choice.....	60
Newton Booth received.....	58
James T. Farley received.....	39
James McMillan Shafter received.....	20
William Irwin received.....	1

No choice.

The President directed the roll of the Senate to be again called:

	Farley.	Booth.	Shafter.	Irwin.
Andross.....			1	
Bartlett .....		1		
Beck .....	1			
Boggs .....	1			
Bush .....		1		
Crane .....			1	
DeHaven.....		1		
Duffy .....			1	
Dyer .....			1	
Eakin .....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney .....		1		
Fraser.....			1	
Garratt .....		1		
Gibbons .....		1		
Goodale .....		1		
Graves .....		1		
Hendricks.....	1			
Hopkins.....			1	
Irwin .....	1			
Kent.....			1	
Keys .....	1			
Laine .....		1		
Lindsey .....		1		
Martin .....		1		
McCoy .....	1			
McCune .....				
McKusick .....			1	
McMurry.....	1			
Neff .....			1	
O'Connor.....	1			
Oulton .....			1	
Pendegast .....	1			
Perkins .....		1		
Roach .....	1			
Spencer.....		1		
Turner .....		1		
Tuttle.....	1			

The Chief Clerk of the Assembly called the roll of that body, and the vote of the Joint Assembly was declared as follows:

	Booth.	Farley.	Shafter.	Irwin.
Ables.....	1			
Aldrich.....	1			
Amerman.....			1	
Barton.....	1			
Bowers.....			1	
Bradley.....	1			
Bryan.....	1			
Burt.....	1			
Byers.....	1			
Byrnes.....	1			
Canfield.....	1			
Carter.....			1	
Chandler.....	1			
Clark.....		1		
Coggins.....	1			
Cowdery.....	1			
Cressler.....	1			
Davis.....		1		
Dixon.....		1		
Escandon.....		1		
Fahey.....		1		
Franck.....	1			
Freeman.....	1			
Freidenrich.....	1			
Ferguson.....		1		
Giffen.....		1		
Gilmore of Calaveras.....			1	
Gilmore of El Dorado.....		1		
Gray.....	1			
Gurnett.....			1	
Hamill.....	1			
Hammitt.....	1			
Hay.....	1			
Heald.....	1			
Higbie.....				
Hill.....		1		
Howe.....		1		
Hurlburt.....	1			
Ingham.....		1		
Kercheval.....	1			
Klotz.....		1		
Knox.....	1			
Long.....			1	
McBride.....		1		
McCallum.....	1			
Meyers.....	1			
Miller.....	1			

	Booth.	Farley.	Shafter.	Irwin.
Morgan.....			1	
Murphy.....		1		
Northeutt .....		1		
Northup.....		1		
Norton.....	1			
Parker.....		1		
Patterson.....	1			
Paulsell.....	1			
Peek.....			1	
Pelham.....		1		
Pishon.....	1			
Rea.....	1			
Rogers.....	1			
Roush.....	1			
Russell.....		1		
Simpers.....		1		
Simpson.....	1			
Snyder.....			1	
Stowers.....		1		
Summers.....		1		
Swift.....	1			
Terrill.....	1			
Tinnin.....		1		
Thomas.....	1			
Tully.....		1		
Vandall.....	1			
Venable.....		1		
Welch.....	1			
Wickware.....	1			
Williams.....		1		
Winchell.....	1			
Wright.....		1		
Mr. Speaker.....	1			

Whole number of votes cast.....	118
Necessary to a choice .....	60
Newton Booth received.....	58
James T. Farley received.....	39
J. McMillan Shafter received.....	20
William Irwin received.....	1

No choice.

#### SHORT TERM.

On motion of Mr. Evans, the Joint Assembly now proceeded to ballot for a Senator in Congress for the short term.



The Secretary of the Senate called the roll of the Senate, and each Senator announced the name of his choice for such Senator, as follows:

	Hager .....	Shaffer .....	Downey ....	Belcher ....	Laine .....	Roach .....	Bidwell .....
Andross .....		1					
Bartlett .....	1						
Beck .....	1						
Boggs .....	1						
Bush .....			1				
Crane .....		1					
DeHaven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin .....	1						
Edgerton .....			1				
Evans .....		1					
Farley .....	1						
Finnery .....				1			
Fraser .....		1					
Garratt .....		1					
Gibbons .....					1		
Goodale .....				1			
Graves .....			1				
Hendricks .....	1						
Hopkins .....		1					
Irwin .....	1						
Kent .....		1					
Keys .....	1						
Laine .....						1	
Lindsey .....						1	
Martin .....	1						
McCoy .....	1						
McCune .....	1						
McKusick .....		1					
McMurry .....	1						
Neff .....		1					
O'Connor .....	1						
Oulton .....		1					
Pendegast .....	1						
Perkins .....							1
Roach .....	1						
Spencer .....				1			
Turner .....		1					
Tuttle .....	1						

The Chief Clerk called the roll of the Assembly, and the result of the vote in the Assembly was declared as follows:

	Hager .....	Shafter .....	Belcher .....	Haight .....	Laine .....	Roach .....	Gildea .....	Downey .....	Rogers .....	Lewin .....	Bedwell .....
Ables.....								1			
Aldrich .....								1			
Amerman .....		1									
Barton .....										1	
Bowers .....		1									
Bradley .....			1								
Bryan.....								1			
Burt .....			1								
Byers .....											1
Byrnes .....		1									
Canfield .....								1			
Carter .....		1									
Chandler .....			1								
Clark.....	1										
Coggins .....											
Cowdery .....									1		
Cressler .....											
Davis.....	1										
Dixon.....	1										
Escandon .....	1										
Fahey .....											
Franck.....					1						
Freeman.....											1
Freidenrich .....				1							
Ferguson.....	1										
Giffen .....	1										
Gilmore of Calaveras.....		1									
Gilmore of El Dorado.....	1										
Gray .....									1		
Gurnett .....		1									
Hamill .....							1				
Hammitt .....					1						
Hay .....							1				
Heald .....	1										
Hill .....	1										
Howe .....						1					
Hurlburt .....			1								
Ingham.....	1										
Kercheval .....											
Klotz.....	1										
Knox .....			1								

	Hager.....	Shafter.....	Belcher.....	Haight.....	Laine.....	Rouch.....	Gilder.....	Downey.....	Rogers.....	Irwin.....	Bidwell.....
Long.....		1									
McBride.....										1	
McCallum.....	1										
Meyers.....				1							
Miller.....											
Morgan.....		1									
Murphy.....											
Northcutt.....	1										
Northup.....											
Norton.....				1							
Parker.....				1							
Patterson.....									1		
Paulsell.....	1										
Peek.....		1									
Pelham.....	1										
Pishon.....								1			
Rea.....					1						
Rogers.....											
Roush.....								1			
Russell.....				1							
Simpers.....	1										
Simpson.....								1			
Snyder.....		1									
Stowers.....	1										
Summers.....	1										
Swift.....									1		
Terrill.....											
Tinnin.....	1										
Thomas.....									1		
Tully.....	1										
Vandall.....											
Venable.....								1			
Welch.....	1										
Wickware.....											
Williams.....	1										
Winchell.....			1								
Wright.....	1										
Mr. Speaker.....						1					

Whole number of votes cast.....	118
Necessary to a choice.....	60
J. S. Hager received.....	39
J. McMillan Shafter received.....	23
J. G. Downey received.....	10
I. S. Belcher received.....	10
Thomas H. Laine received.....	4

Philip Roach received .....	4
John Bidwell received.....	3
H. H. Haight received.....	5
— Rogers received.....	6
William Irwin received.....	2
Charles Gildea received .....	2
E. Steele received.....	1
J. E. Murphy received .....	1
F. S. Freeman received.....	1
George C. Perkins received.....	1
— Clarkson received.....	1
James W. Mandeville received.....	1
— Ables received .....	1
Thomas Keys received.....	1
Caleb T. Fay received.....	1
M. M. Estee received.....	1
Creed Haymond.....	1

No choice.

At one o'clock and thirty five minutes P. M., on motion of Mr. Irwin, the Joint Assembly adjourned until to morrow, at twelve o'clock M.

#### IN ASSEMBLY.

The Senators having withdrawn, the roll of the Assembly was called.  
Quorum present.  
Speaker in the chair.

#### REPORT.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 47—An Act to repeal section thirty-seven hundred and fifty-seven of the Political Code.

Also, Substitute for Assembly Joint Resolution No. 5—to prevent granting subsidies to the San Joaquin and Kings River Irrigating Company.

BRADLEY, Chairman.

At one o'clock and forty minutes P. M., Mr. Parker moved to take a recess until three o'clock P. M.

Lost.

[Speaker pro tem. in the chair.]

House resumed consideration of Substitute for Assembly Bill No. 7—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Recommitted to the Judiciary Committee.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 19th, 1873. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventeenth day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

Also, passed Assembly Bill No. 23—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

Also, adopted Assembly Concurrent Resolution No. 4—relative to printing five thousand copies of the Governor's Message, and two hundred and fifty copies of the Report of the Yosemite Commissioners.

J. B. CHINN,  
Assistant Secretary.

#### NOTICES.

By Mr. Gurnett, of a bill entitled an Act to amend the Political Code in reference to the establishment of High Schools.

By Mr. Venable, of a bill authorizing the Board of Supervisors of the County of Los Angeles to build a bridge, and provide for the payment of the same.

By Mr. Tully, of a bill for the relief of William H. Pyburn.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers—An Act to amend sections thirty-seven hundred and eighty and thirty-seven hundred and eighty five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Parker—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Paulsell—An Act to provide for assessing all the property of this State, and to prevent double taxation.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Gurnett—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities.

Read first and second times, and referred to Alameda delegation.

By Mr. Pishon—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino, and the Board of Trustees of the Town of San Bernardino.

Read first and second times, and referred to the San Bernardino delegation.

By Mr. Stowers—An Act to amend section eighteen hundred and seventy-four of Volume One of the Political Code.

Read first and second times, and referred to Committee on Education.

#### REPORT.

MR. SPEAKER: Your Committee on Enrollment beg leave to report

that they have examined and find correctly enrolled Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty six; and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight;

And that the same was this day, at one o'clock and thirty minutes P. M., delivered to the Governor, for his approval.

HAY, Chairman.

Senate Bill No. 7, heretofore reported from the Senate, was read first and second times, and referred to Committee on Mileage.

[Speaker in the chair.]

#### RECONSIDERATION.

Pursuant to notice, Mr. Terrill moved to reconsider the vote by which the House, on yesterday, passed Senate Bill No. 4.

On motion of Mr. Terrill, the motion to reconsider was indefinitely postponed.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 1—to Representatives in Congress to procure repeal of import duty on burlaps and grain and wool sacks.

Referred to Committee on Agriculture.

Assembly Concurrent Resolution No. 2—relative to a breakwater at Crescent City, Del Norte County, State of California.

Read third time, and passed.

Assembly Bill No. 44—An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespass of animals upon private property, in the County of Los Angeles, and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two; and to make the same applicable to the County of San Bernardino, so far as the same relates to San Bernardino County.

Ordered engrossed.

On motion of Mr. Cowdery, the House took up for consideration Assembly Bill No. 47—An Act to repeal section three thousand seven hundred and fifty-seven of the Political Code.

Read third time, and passed.

On motion of Mr. Byrnes, at two o'clock and thirty-seven minutes P. M., the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, December 20th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee have considered Assembly Bill No. 7—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three—and report it back with a substitute, and recommend the passage of the substitute.

WILLIAMS, Chairman.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee have considered Assembly Bill No. 49—An Act to amend section two thousand six hundred and forty-five of the Political Code of the State of California—and report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Meyers:

MR. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Concurrent Resolution—to Representatives in Congress to procure the repeal of impost duty on burlaps, and grain and wool sacks—have had the same under consideration, and recommend the adoption of the pending amendment, proposed by the member from Humboldt, and passage of the resolution thus amended.

MEYERS, Chairman.

On motion to suspend the rules, consider the bill engrossed, and be placed on its final passage, the ayes and noes were called for by Messrs. Hurlburt, Klotz, and Bryan, and the roll was called, with the following result:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell,

Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—73.

NOES—Messrs. Freidenrich, Peek, and Thomas—3.

The amendment to the bill was adopted, and the bill, as amended, was passed.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto—and that the same was, this day, at eleven o'clock A. M., delivered to the Governor for his approval.

ALEX. HAY, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, December 20th, 1873.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 10—An Act to repeal an Act entitled an Act for laying out, altering, and vacating public roads in the County of Marin, approved April second, eighteen hundred and sixty six, and an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight, also, an Act amendatory of and supplementary to an Act entitled an Act concerning roads in the County of Marin, approved March thirtieth, eighteen hundred and sixty-eight, approved March twenty-third, eighteen hundred and seventy-two.

Also, Assembly Bill No. 28—An Act to create a Board of Canvassers for the County of El Dorado, and other matters relating thereto.

NEWTON BOOTH,  
Governor.

#### RESOLUTION.

By Mr. Meyers:

*Resolved*, That the Sergeant-at-Arms be authorized to procure two hundred and forty printed slips of Rule Forty-seven, as amended by the Committee on Rules, and place the same over Rule Forty-seven as it now appears in the printed copies in his possession.

Adopted.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:



SENATE CHAMBER,  
December 20th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 40—An Act entitled an Act to re-incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

T. J. SHACKLEFORD,  
Secretary.

The bill was ordered to be placed on the General File.

SENATE CHAMBER,  
December 20th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this, the twentieth day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 60—An Act authorizing the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenty bonds now held in trust for the University Fund, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

IRA H REED,  
Assistant Secretary.

Assembly Bill No. 49—An Act to amend section two thousand six hundred and forty-five of the Political Code—was reported back from the Judiciary Committee, and passage recommended.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Northcutt—An Act to regulate licenses in this State.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Freeman—An Act to repeal an Act entitled an Act to provide for the overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Yolo and Solano delegations.

By Mr. Tully—An Act for the relief of William Pyburn.

Read first and second times, and referred to the Committee on Claims.

Also, Senate Bill No. 40—An Act to amend an Act entitled an Act to incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times, and ordered placed on file.

#### GENERAL FILE.

Senate Bill No. 35—An Act to prohibit the sale of intoxicating liquors within two miles of the University of California.

Read third time, and passed.

Assembly Concurrent Resolution No. 5—to prevent granting subsidies to the San Joaquin and Kings River Irrigating Company.

Read third time, and passed.

Assembly Concurrent Resolution No. 7—relative to granting pensions to the soldiers of the Mexican War of eighteen hundred and forty-six—seven—eight.

Ordered engrossed.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of the People of the State of California vs. Horace Smith.

On motion of Mr. Williams, the consideration of the bill was made the special order for one o'clock to-day.

## IN JOINT ASSEMBLY.

SATURDAY, December 20th, 1873—12 o'clock M.

The Joint Assembly met pursuant to adjournment, and in accordance with the Act of Congress providing for the manner of electing United States Senators.

The President of the Senate and the Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Garratt, Gibbons, Goodale, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurtry, Neff, O'Connor, Oulton, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle—38.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members responded:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—79.

The Secretary of the Senate read from the Senate Journal the proceedings in Joint Assembly, for Friday, December nineteenth, eighteen hundred and seventy-three, and the same were approved.

BALLOT FOR UNITED STATES SENATOR FOR THE FULL TERM.

The Secretary of the Senate called the roll of the Senate, and each Senator present pronounced the name of the person for whom he voted, as follows:

	Farley.	Booth.	Shafter.	Irwin.
Andross .....			1	
Bartlett.....		1		
Beck .....	1			
Boggs .....	1			
Bush .....		1		
Crane .....			1	
DeHaven.....		1		
Duffy .....			1	
Dyer .....			1	
Eakin .....	1			
Edgerton.....		1		
Evans.....			1	
Farley.....				1
Finney.....		1		
Fraser.....			1	
Garratt .....		1		
Gibbons .....		1		
Goodale.....		1		
Graves .....		1		
Hendricks.....	1			
Hopkins.....			1	
Irwin .....	1			
Kent .....			1	
Keys.....	1			
Laine .....		1		
Lindsey .....		1		
Martin.....		1		
McCoy .....	1			
McCune .....		1		
McKusick .....			1	
McMurry .....	1			
Neff .....			1	
O'Connor.....	1			
Oulton .....			1	
Pendegast .....	1			
Perkins .....		1		

	Farley.	Booth.	Shafter.	Irwin.
Roach .....	1			
Spencer .....		1		
Turner .....		1		
Tuttle .....	1			

The Chief Clerk of the Assembly called the roll of the Assembly, and the vote was declared as follows:

	Booth.	Shafter.	Farley.
Ables.....	1		
Aldrich .....	1		
Amerman .....		1	
Barton .....	1		
Bowers .....		1	
Bradley .....	1		
Bryan .....	1		
Burt.....	1		
Byers .....	1		
Byrnes.....	1		
Canfield .....	1		
Carter .....		1	
Chandler .....	1		
Clark.....			1
Coggins.....	1		
Cowdery .....	1		
Cressler .....	1		
Davis.....			1
Dixon.....			1
Escandon .....			1
Fahey .....			1
Franck .....	1		
Freeman .....	1		
Freidenrich .....	1		
Ferguson.....			1
Giffen .....			1
Gilmore of Calaveras.....		1	
Gilmore of El Dorado.....			1
Gray.....	1		
Gurnett.....		1	
Hamill.....	1		
Hammitt.....	1		
Hay .....	1		
Heald .....	1		
Higbie.....			

	Booth.	Shafter.	Farley.
Hill.....			1
Howe.....			1
Hurlburt.....	1		
Ingham.....			1
Kercheval.....	1		
Klotz.....	1		
Knox.....	1		
Long.....		1	
McBride.....			1
McCallum.....	1		
Meyers.....	1		
Miller.....	1		
Morgan.....		1	
Murphy.....			1
Northeast.....			1
Northrup.....			1
Norton.....	1		
Parker.....			1
Patterson.....	1		
Paulsell.....	1		
Peek.....		1	
Pelham.....			1
Pishon.....	1		
Rea.....	1		
Rogers.....	1		
Roush.....	1		
Russell.....	1		
Simpers.....			1
Simpson.....	1		
Snyder.....		1	
Stowers.....			1
Summers.....			1
Swift.....	1		
Terrill.....	1		
Tinnin.....			1
Thomas.....	1		
Tully.....			1
Vandall.....	1		
Venable.....			1
Welch.....	1		
Wickware.....	1		
Williams.....			1
Winchell.....	1		
Wright.....			1
Mr. Speaker.....	1		

Whole number of votes cast.....119  
 Necessary to a choice..... 60  
 Newton Booth received..... 61  
 J. T. Farley received..... 37

J. McM. Shafter received ..... 20  
 William Irwin received ..... 1

Whereupon, it appearing that Newton Booth, having received a majority of all the votes cast by the members elected to both Houses, being present and voting in Joint Assembly, was, by the President, declared duly elected to represent the State of California in the Senate of the United States for the term of six years, from March fourth, eighteen hundred and seventy-five—from and after the expiration of the term of office of the Hon. Eugene Casserly.

#### SENATOR FOR THE SHORT TERM.

On motion of Mr. Clark, the Joint Assembly proceeded to ballot for a Senator for the short term.

Mr. Bush nominated J. G. Downey.

Mr. Bradley nominated Cornelius Cole.

The Secretary of the Senate called the roll of the Senate, and each Senator present pronounced the name of the person for whom he voted, as follows:

	Hager .....	Shafter .....	Downey...	Cole .....	Belcher ...	Perkins. ...	Laine .....
Andross .....		1					
Bartlett.....	1						
Beck.....	1						
Boggs .....	1						
Bush .....			1				
Crane.....		1					
DeHaven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin .....	1						
Edgerton .....						1	
Evans .....		1					
Farley .....	1						
Finney .....					1		
Fraser .....		1					
Garratt.....		1					
Gibbons.....							1
Goodale.....						1	
Graves .....			1				
Hendricks .....	1						
Hopkins.....		1					
Irwin.....	1						
Kent .....		1					
Keys .....	1						
Laine.....	1						
Lindsey.....	1						
Martin .....	1						
McCoy .....	1						
McCune .....	1						

	Hager.....	Shafter.....	Downey.....	Cole.....	Belcher.....	Perkins.....	Laine.....
McKusick .....		1					
McMurry .....	1						
Neff.....		1					
O'Connor .....	1						
Oulton .....		1					
Pendegast.....	1						
Perkins .....					1		
Roach.....	1						
Spencer .....					1		
Turner .....		1					
Tuttle .....	1						

The Chief Clerk of the Assembly called the roll of that body, and the result was declared as follows:

	Hager.	Shafter.	Cole.	Scattering.
Ables .....				1
Aldrich.....			1	
Amerman .....		1		
Barton .....				1
Bowers .....		1		
Bradley .....			1	
Bryan.....				1
Burt.....			1	
Byers .....			1	
Byrnes .....		1		
Canfield .....	1			
Carter .....		1		
Chandler ..			1	
Clark .....	1			
Coggins .....			1	
Cowdery .....				1
Cressler .....			1	
Davis .....	1			
Dixon.....	1			
Escandon .....	1			
Fahey .....	1			
Franck .....			1	
Freeman.....			1	
Freidenrich .....				1
Ferguson .....	1			
Giffen .....	1			
Gilmore of Calaveras .....		1		
Gilmore of El Dorado .....	1			
Gray .....				1

	Hager.	Shafter.	Cole.	Scattering.
Gurnett .....		1		
Hamill .....	1			
Hammitt .....			1	
Hay .....	1			
Heald .....	1			
Hill .....	1			
Howe .....	1			
Hurlburt .....				1
Ingham .....	1			
Kerchoval .....				1
Klotz .....	1			
Knox .....			1	
Long .....		1		
McBride .....	1			
McCallum .....	1			
Meyers .....	1			
Miller .....				1
Morgan .....		1		
Murphy .....				1
Norhcutt .....	1			
Northup .....				1
Norton .....				1
Parker .....				1
Patterson .....			1	
Paulsell .....	1			
Peek .....		1		
Pelham .....	1			
Pishon .....				1
Rea .....			1	
Rogers .....	1			
Roush .....	1			
Russell .....				1
Simpers .....	1			
Simpson .....				1
Snyder .....		1		
Stowers .....	1			
Summers .....	1			
Swift .....			1	
Terrill .....				1
Tinnin .....	1			
Thomas .....	1			
Tully .....	1			
Vandall .....			1	
Venable .....				1
Welch .....	1			
Wickware .....				1
Williams .....	1			
Winchell .....				1
Wright .....	1			
Mr. Speaker .....	1			



Whole number of votes cast.....	119
Necessary to a choice .....	60
J. S. Hager received.....	52
J. McM. Shafter received .....	23
J. G. Downey received.....	6
Geo. C. Perkins received .....	3
T. H. Laine received.....	1
I. S. Belcher received.....	6
C. Cole received.....	16
J. F. Cowdery received.....	1
W. Irwin received.....	1
— Ables received.....	1
H. H. Haight received.....	4
— Freeman received.....	1
P. Roach received.....	1
O. Thorne received.....	1
T. J. Keys received.....	1
W. Bartlett received.....	1

No choice.

Mr. Edgerton moved that the Joint Assembly adjourn, to meet again on Tuesday, January sixth, eighteen hundred and seventy-four, at twelve o'clock m.; on which the ayes and noes were demanded by Messrs. Duffy, Neff, and Crane, and the motion was lost, by the following vote:

**AYES**—Messrs. Andross, Boggs, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Hopkins, Kent, McKusick, Neff, Turner, Ables, Byers, Byrnes, Cowdery, Freeman, Gilmore of Calaveras, Gray, Gurnett, Long, Patterson, Peek, Snyder, Terrill, and Tully—32.

**NOES**—Messrs. Bartlett, Beck, Bush, Eakin, Farley, Hendricks, Irwin, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurphy, O'Connor, Oulton, Perkins, Roach, Spencer, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Gilmore of El Dorado, Giffen, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpser, Simpson, Stowers, Summers, Swift, Tinnin, Thomas, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—83.

Mr. Coggins moved that the Joint Assembly adjourn to twelve o'clock m. on Monday next.

Lost.

Mr. Bartlett moved to take a recess until three o'clock p. m.

Lost.

#### SECOND BALLOT.

Mr. Finney nominated T. G. Phelps, when the Secretary of the Sen-

ate called the roll of the Senate, and each Senator present voted his choice, as follows:

	Hager.	Shafter.	Phelps.	Downey.	Perkins.	Laine.	Belcher.
Andross.....		1					
Bartlett.....	1						
Beck.....	1						
Boggs.....	1						
Bush.....				1			
Crane.....		1					
DeHaven.....					1		
Duffy.....		1					
Dyer.....		1					
Eakin.....	1						
Edgerton.....			1				
Evans.....		1					
Farley.....	1						
Finney.....			1				
Fraser.....		1					
Garratt.....		1					
Gibbons.....						1	
Goodale.....			1				
Hendricks.....	1						
Hopkins.....		1					
Irwin.....	1						
Kent.....		1					
Keys.....	1						
Laine.....	1						
Lindsey.....	1						
Martin.....	1						
McCoy.....	1						
McCune.....	1						
McKusick.....		1					
McMurry.....	1						
Neff.....		1					
O'Connor.....	1						
Oulton.....		1					
Pendegast.....	1						
Perkins.....							1
Roach.....	1						
Spencer.....		1					
Turner.....							1
Tuttle.....	1						

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager .....	Shafter .....	Cole .....	Haight .....	Phelps.....	Perkins ....	Belcher....	Downey.....
Ables .....				1				
Aldrich.....					1			
Amerman.....		1						
Barton.....				1				
Bowers .....		1						
Bradley .....			1					
Bryan.....				1				
Burt .....					1			
Byers.....						1		
Byrnes .....		1						
Canfield.....						1		
Carter.....		1						
Chandler .....			1					
Clark.....	1							
Coggins .....			1					
Cowdery .....		1						
Cressler.....			1					
Davis .....	1							
Dixon.....	1							
Escandon .....								
Fahey.....	1							
Franck .....			1					
Freeman.....			1					
Freidenrich .....				1				
Ferguson .....	1							
Giffen .....	1							
Gilmore of Calaveras.....		1						
Gilmore of El Dorado.....	1							
Gray .....					1			
Gurnett .....		1						
Hamill .....	1							
Hammitt.....			1					
Hay.....	1							
Heald .....	1							
Higbie.....								
Hill.....	1							
Howe.....	1							
Hurlburt .....							1	
Ingham.....	1							
Kercheval.....					1			
Klotz .....	1							
Knox .....			1					
Long .....		1						
McBride.....	1							
McCallum.....	1							

	Hager .....	Shafter .....	Cole .....	Haight .....	Phelps.....	Perkins.....	Belcher.....	Downey ....
Meyers.. .....	1							
Miller.....						1		
Morgan.....		1						
Murphy .....								1
Northcutt .....	1							
Northup .....								1
Norton .....				1				
Parker .....				1				
Patterson .....			1					
Paulsell .....	1							
Peek.....		1						
Pelham .....	1							
Pishon .....								1
Rea.....			1					
Rogers.....	1							
Roush .....	1							
Russell .....				1				
Simpers .....	1							
Simpson.....								1
Snyder .....		1						
Stowers .....	1							
Summers .....	1							
Swift .....		1						
Terrill.....				1				
Tinnin.....	1							
Thomas .....	1							
Tully.....	1							
Vandall .....			1					
Venable .....								1
Welch.....	1							
Wickware .....					1			
Williams .....	1							
Winchell.....							1	
Wright.....	1							
Mr. Speaker.....	1							

Whole number of votes cast.....	117
Necessary to a choice.....	59
J. S. Hager received.....	50
J. McM. Shafter received.....	24
T. G. Phelps received .....	9
J. G. Downey received.....	6
Geo. C. Perkins received.....	4
T. H. Laine received.....	1
I. S. Belcher received.....	4
H. H. Haight received.....	8
C. Cole received.....	11

No choice.

Mr. Edgerton moved that the Joint Assembly do now adjourn; on which the ayes and noes were demanded by Messrs. Williams, Ferguson, and Gilmore of El Dorado, and the motion was announced to have prevailed, by the following vote:

**AYES**—Messrs. Beck, Boggs, Bush, DeHaven, Dyer, Edgerton, Evans, Finney, Fraser, Garratt, Gibbons, Goodale, Hopkins, Kent, Keys, Martin, McKusick, Neff, Perkins, Turner, Ables, Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Byers, Byrnes, Carter, Chandler, Cowdery, Cressler, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Hurlburt, Kercheval, Knox, Morgan, Norton, Parker, Patterson, Peek, Pishon, Snyder, Swift, Terrill, Thomas, Vandall, Venable, and Winchell—57.

**NOES**—Messrs. Andross, Bartlett, Crane, Duffy, Eakin, Farley, Graves, Hendricks, Irwin, Laine, Lindsey, McCoy, McCune, McMurry, O'Connor, Oulton, Roach, Spencer, Tuttle, Bowers, Canfield, Clark, Coggins, Davis, Dixon, Escandon, Ferguson, Gilmore of El Dorado, Giffen, Hamill, Hay, Heald, Hill, Howe, Ingham, Klotz, Long, McBride, McCallum, Meyers, Miller, Murphy, Northcutt, Northup, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Summers, Tinnin, Tully, Welch, Wickware, Williams, Wright, and Mr. Speaker—61.

The President of the Senate announced the vote, and at one o'clock and fifty-five minutes P. M., declared the Joint Assembly adjourned.

#### IN ASSEMBLY.

One o'clock and fifty-five minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

House took up consideration of Senate Bill No. 31—An Act to authorize the State Treasurer to dispose of the sixty-five thousand dollars United States five-twenty bonds, and to purchase State bonds of the funded debt of eighteen hundred and seventy-three.

On motion of Mr. Swift, the House resolved to go into Committee of the Whole, for consideration of the bill.

[Mr. Tully in the chair.]

The bill was read and adopted by sections.

On motion of Mr. Swift, the committee rose, and reported the bill back to the House, with the recommendation that it do pass.

#### IN ASSEMBLY.

[Speaker in the chair.]

Consideration of above reported bill was resumed, and the bill passed.

On motion of Mr. Tinnin, the House took up for consideration Senate Concurrent Resolution:

*Resolved by the Senate, the Assembly concurring, That when we adjourn this day, we adjourn to meet Monday, January fifth, at two o'clock and thirty minutes P. M.*

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Williams, Snyder, and Bowers, and the roll was called, with the following result:

**AYES**—Messrs. Ables, Aldrich, Byrnes, Carter, Chandler, Clark, Cowdery, Davis, Escandon, Fahey, Freeman, Gilmore of Calaveras, Gray, Gurnett, Hay, Miller, Morgan, Parker, Patterson, Peek, Rea, Simpson, Snyder, Stowers, Summeis, Terrill, Tinnin, Thomas, Tully, Vandall, and Wickware—31.

**NOES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Coggins, Cressler, Dixon, Franck, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Hamill, Hammitt, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Murphy, Northcutt, Northup, Norton, Paulsell, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Swift, Venable, Welch, Williams, Winchell, Wright, and Mr. Speaker—48.

The House refused to concur.

At two o'clock and twenty minutes P. M., on motion of Mr. Ferguson, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, December 22d, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday, December twentieth, read, and the same corrected so as to show that the Speaker and Mr. Long each voted "aye" instead of "no" on the motion of adjournment of the Joint Assembly.

#### LEAVE OF ABSENCE.

Mr. Thomas was granted leave of absence for one day.

#### PETITIONS.

By Mr. Cressler—Petition from residents of Goose Lake Valley, in relation to draining said valley.

Referred to the Judiciary Committee.

By Mr. Venable—Petition from citizens of Los Angeles County, asking for the passage of an Act to authorize the Board of Supervisors of said county to build a bridge across Santa Anna River.

Referred to Los Angeles delegation.

#### REPORTS.

The Speaker presented a report from the Ladies' Benevolent Society of Placerville, which was read, and referred to the Committee on Ways and Means.

Also, report of Trustees of the Home for the Inebriate, which was read, and referred to same committee.

By Mr. Welch:

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 42—An Act entitled an Act to provide for the location and maintenance of public roads in Lake County—beg leave to report the same back, and recommend its passage.

WELCH, for Delegation.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 44—An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespass of animals upon private property in the County of Los Angeles, and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to make the same applicable to the County of San Bernardino, so far as the same relates to San Bernardino County.

BRADLEY, Chairman.

By Mr. Pishon:

MR. SPEAKER: The San Bernardino delegation, to whom was referred Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of San Bernardino County, and the Board of Trustees of San Bernardino County—have had the same under consideration, and recommend its passage.

PISHON, for Delegation.

By Mr. Gurnett:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 58—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities—would respectfully report the same back, and recommend its passage.

GURNETT,  
AMERMAN,  
Delegation.

By Mr. Meyers:

MR. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, and Kern—have carefully considered the same, and report it back with substitutes for sections two and eleven, and amendments to sections one, three, four, nine, and fourteen, and recommend the adoption of the proposed substitutes and amendments, and the passage of the bill thus amended. We also recommend that section six of the bill be entirely stricken out.

SAMUEL MEYERS, Chairman.

The Speaker announced the following as members of the Joint Committee on Geological Survey—Messrs. Rogers, McCallum, and Roush.

Also, as additional to the Committee on Irrigation—Messrs. Miller and Chandler.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
December 20th, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twentieth day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Also, passed Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Also, passed Senate Bill No. 48—An Act to authorize the transfer to the General Fund of money in certain Funds.

Also, passed Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to town lands.

Also, passed Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba.

Also, concurred in Assembly amendments to Senate Bill No. 4—An Act to amend section four thousand one hundred and nine of the Political Code of the State of California; also, that the President appointed, on the part of the Senate, Messrs. Finney and Hendricks, on Joint Committee on Geological Survey.

Also, passed Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The House took up consideration of the following bills:

Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt. Read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Read first and second times, and referred to Committee on Roads and Highways.

Senate Bill No. 48—An Act to authorize the transfer to the General Fund, of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund.

Read first and second times, and referred to the Committee on Claims.

Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to



execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times, and referred to the Committee on Public Lands.

On motion of Mr. Peek, the House took up consideration of Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Parker—An Act for the relief of Round Valley School District.

Read first and second times, and referred to the Committee on Education.

By Mr. Cowdery—An Act to amend the Penal Code, by adding a new section, to be known as section four hundred.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Gilmore—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Venable—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Read first and second times, and referred to the Los Angeles delegation.

The hour of twelve o'clock M. having arrived, the Speaker announced the special order—being the election of a United States Senator.

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#### JOINT ASSEMBLY.

MONDAY, December 22d, 1873.

The Joint Assembly met at twelve o'clock M., pursuant to adjournment, and the requirements of the Act of Congress regulating the election of United States Senators in Congress.

The President of the Senate and Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale,

Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCune, McKusick, McMurry, Neff, O'Connor, Oulton, Perkins, Spencer, Turner, and Tuttle.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fabey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Giffen, Gurnett, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

The Secretary of the Senate read from the Senate Journal so much of the proceedings in Joint Assembly on Saturday, December twentieth, eighteen hundred and seventy-three, as related to a ballot had for the election of a United States Senator to succeed the Hon. Eugene Casserly for the term of six years, commencing March fourth, eighteen hundred and seventy-five; also, to ballots had for the election of a United States Senator for the unexpired term made vacant by the resignation of Hon. Eugene Casserly.

Mr. Murphy offered a resolution, as follows:

*Resolved*, That the candidates for United States Senator for the unexpired term of Senator Casserly, be and they are hereby invited to appear before the Joint Assembly, to define their positions on the issues now before the people.

Lost.

At the request of Mr. Bartlett, a telegram was read from the Hon. H. H. Haight, declining to be a candidate for United States Senator.

FOR UNITED STATES SENATOR TO FILL THE VACANCY.

The Secretary called the roll of the Senate, and each Senator present announced the name of his choice for such Senator, as follows:

	Hager .....	Shafer .....	Downey ....	Bolcher.....	Haymond ...	Phelps.....	Laine .....
Andross .....		1					
Bartlett.....	1						
Beck .....	1						
Boggs .....							

	Hager.....	Shafter.....	Dowley.....	Belcher.....	Haymond.....	Phelps.....	Laine.....
Bush.....			1				
Crane.....		1					
DeHaven.....				1			
Duffy.....		1					
Dyer.....		1					
Eakin.....	1						
Edgerton.....					1		
Evans.....		1					
Farley.....	1						
Finney.....						1	
Fraser.....		1					
Garratt.....							
Gibbons.....							1
Goodale.....						1	
Graves.....			1				
Hendricks.....	1						
Hopkins.....		1					
Irwin.....	1						
Kent.....		1					
Keys.....	1						
Laine.....			1				
Lindsey.....	1						
Martin.....							1
McCoy.....							
McCune.....	1						
McKusick.....		1					
McMurry.....	1						
Neff.....		1					
O'Connor.....	1						
Oulton.....		1					
Pendegast.....							
Perkins.....							
Roach.....							
Spencer.....		1					
Turner.....				1			
Tuttle.....	1						

The Chief Clerk of the Assembly called the roll of the Assembly, and the result of the vote was declared as follows:

	Hager.....	Slusher .....	Haigh .....	Cole.....	Haymond..	Phelps.....	Scattering..
Ables.....			1				
Aldrich .....	1						
Amerman.....		1					
Barton.....			1				
Bowers.....		1					
Bradley.....				1			
Bryan.....					1		
Burt .....						1	
Byers .....				1			
Byrnes.....						1	
Canfield.....						1	
Carter.....		1					
Chandler.....				1			
Clark.....	1						
Coggins.....					1		
Cowdery.....			1				
Cressler .....			1				
Davis.....	1						
Dixon.....	1						
Escandon.....	1						
Fahey.....	1						
Franck.....				1			
Freeman.....				1			
Freidenrich .....			1				
Ferguson.....	1						
Giffen.....	1						
Gilmore of Calaveras.....		1					
Gilmore of El Dorado.....	1						
Gray.....							1
Gurnett.....		1					
Hamill.....	1						
Hammitt.....						1	
Hay.....	1						
Heald.....	1						
Higbie.....		1					
Hill.....	1						
Howe.....	1						
Hurlburt.....					1		
Ingham.....	1						
Kercheval.....			1				
Klotz.....	1						
Knox.....							1
Long.....		1					
McBride.....	1						
McCallum.....	1						
Meyers.....			1				
Miller.....							1
Morgan.....		1					

	Hager.....	Shafter.....	Haight.....	Cole.....	Haymond..	Phelps.....	Scattering..
Murphy.....			1				
Northcutt.....	1						
Northup.....	1						
Norton.....			1				
Parker.....			1				
Patterson.....				1			
Paulsell.....			1				
Peek.....		1					
Pelham.....	1						
Pishon.....			1				
Rea.....				1			
Rogers.....	1						
Roush.....	1						
Russell.....			1				
Simpers.....	1						
Simpson.....			1				
Snyder.....		1					
Stowers.....	1						
Summers.....	1						
Swift.....	1						
Terrill.....			1				
Tinnin.....	1						
Thomas.....							
Tully.....	1						
Vandall.....				1			
Venable.....							1
Welch.....	1						
Wickware.....						1	
Williams.....	1						
Winchell.....							1
Wright.....	1						
Mr. Speaker.....							1

Whole number of votes cast.....	113
Necessary to a choice.....	57
J. S. Hager received.....	44
J. McMillan Shafter received.....	22
J. G. Downey received.....	4
I. S. Belcher received.....	5
Creed Haymond received.....	4
T. G. Phelps received.....	7
T. H. Laine received.....	3
H. H. Haight received.....	15
C. Cole received.....	8
George C. Perkins received.....	1

No choice.

Mr. McKusick moved that the Joint Assembly do now adjourn; on which the ayes and noes were demanded by the requisite number, and the motion was lost, by the following vote:

Ayes—Messrs. Beck, Crane, DeHaven, Duffy, Dyer, Edgerton, Evans, Finney, Goodale, Kent, McKusick, Neff, Spencer, Turner, Ables, Amerman, Bowers, Bradley, Byrnes, Carter, Chandler, Cowdery, Cressler, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Hammitt, Hurlburt, Knox, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Peek, Swift, Vandall, Wickware, and Winchell—42.

Noes—Messrs. Andross, Bartlett, Bush, Eakin, Farley, Fraser, Gibbons, Hendricks, Hopkins, Irwin, Keys, Laine, Lindsey, Martin, McCune, McMurry, O'Connor, Oulton, Tuttle, Aldrich, Barton, Bryan, Burt, Byers, Canfield, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Franck, Ferguson, Gilmore of El Dorado, Giffen, Gurnett, Hamill, Hay, Heald, Higbie, Hill, Howe, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Murphy, Northcutt, Northup, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Venable, Welch, Williams, Wright, and Mr. Speaker—69.

#### SECOND BALLOT.

The roll of the Senate was called by the Secretary of the Senate, and each Senator announced the name of his choice, as follows:

	Hager .....	Shafter .....	Downey ...	Belcher .....	Haymond ...	Phelps .....	Laine .....
Andross.....		1					
Bartlett .....	1						
Beck .....	1						
Boggs .....							
Bush .....			1				
Crane.....		1					
DeHaven .....				1			
Duffy .....		1					
Dyer .....		1					
Eakin.....	1						
Edgerton .....					1		
Evans .....		1					
Farley .....	1						
Finney .....						1	
Fraser .....		1					
Garratt .....							
Gibbons.....							1
Goodale.....						1	
Graves .....							
Hendricks .....	1						
Hopkins .....		1					
Irwin .....	1						

	Hager .....	Shafter.....	Downey.....	Belcher .....	Haymond ...	Phelps .....	Laine .....
Kent .....		1					
Keys .....	1						
Laine .....			1				
Lindsey .....	1						
Martin .....							1
McCoy .....							
McCune .....	1						
McKusick .....		1					
McMurry .....	1						
Neff .....		1					
O'Connor .....	1						
Oulton .....		1					
Pendegast .....							
Perkins .....							
Roach .....							
Spencer .....		1					
Turner .....				1			
Tuttle .....	1						

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager .....	Haight .....	Shafter .....	Downey ...	Cole .....	Haymond ..	Phelps .....	Belcher .....	Laine .....	Perkins .....
Ables .....		1								
Aldrich .....	1									
Amerman .....			1							
Barton .....						1				
Bowers .....										
Bradley .....					1					
Bryan .....						1				
Burt .....							1			
Byers .....					1					
Byrnes .....							1			
Canfield .....							1			
Carter .....			1							
Chandler .....					1					
Clark .....	1									
Coggins .....					1					
Cowdery .....		1								
Cressler .....					1					

	Hager.....	Haight .....	Shafter .....	Downey ....	Cole.....	Haymond ..	Phelps.....	Belcher. ...	Laine.....	Perkins.....
Davis .....	1									
Dixon .....	1									
Escandon.....	1									
Fahey.....	1									
Franck .....					1					
Freeman .....					1					
Freidenrich.....		1								
Ferguson .....	1									
Giffen.....	1									
Gilmore of Calaveras..			1							
Gilmore of El Dorado..	1									
Gray.....								1		
Gurnett .....			1							
Hamill.....	1									
Hammitt.....							1			
Hay .....									1	
Heald .....	1									
Higbie .....	1									
Hill .....	1									
Howe .....	1									
Hurlburt.....						1				
Ingham .....	1					1				
Kercheval .....						1				
Klotz .....	1									
Knox .....								1		
Long.....			1							
McBride.....	1									
McCallum.....	1									
Meyers .....		1								
Miller .....										1
Morgan .....			1							
Murphy.....		1								
Northcutt.....	1									
Northup .....	1									
Norton .....		1								
Parker.....						1				
Patterson.....					1					
Paulsell .....		1								
Peek .....			1							
Pelham.....	1									
Pishon.....		1								
Rea .....					1					
Rogers .....	1									
Roush.....	1									
Russell .....		1								
Simpers .....	1									
Simpson .....		1								
Snyder .....			1							



	Hager.....	Haight.....	Shafter.....	Downey.....	Cole.....	Haymond...	Phelps.....	Belcher.....	Laine.....	Perkins.....
Stowers.....	1									
Summers.....	1									
Swift.....	1									
Terrill.....		1								
Tinnin.....	1									
Tully.....	1									
Vandall.....					1					
Venable.....				1						
Welch.....	1									
Wickware.....							1			
Williams.....	1									
Winchell.....								1		
Wright.....	1									
Mr. Speaker.....									1	

Whole number of votes cast.....	112
Necessary to a choice.....	57
J. S. Hager received.....	44
J. McM. Shafter received.....	21
J. G. Downey received.....	3
I. S. Belcher received.....	5
C. Haymond received.....	6
T. G. Phelps received.....	7
Thos. H. Laine received.....	4
H. H. Haight received.....	11
Cornelius Cole received.....	10
G. C. Perkins received.....	1

No choice.

Mr. Finney moved that the Joint Assembly do now adjourn, on which the ayes and noes were demanded by Messrs. Finney, Terrill, and Freidenrich, and the motion was lost, by the following vote:

**AYES**—Messrs. Beck, Bush, Edgerton, Finney, Gibbons, Goodale, Laine, Lindsey, Martin, Spencer, Turner, Ables, Aldrich, Barton, Bowers, Bryan, Burt, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Franck, Freidenrich, Gray, Gurnett, Hammitt, Higbie, Hurlburt, Knox, McCallum, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Swift, Terrill, Tully, Vandall, Venable, Wickware, and Winchell—52.

**NOES**—Messrs. Andross, Bartlett, Crane, DeHaven, Duffy, Dyer, Eakin, Evans, Farley, Fraser, Hendricks, Hopkins, Irwin, Kent, Keys, McCune, Neff, O'Connor, Oulton, Tuttle, Bradley, Byers, Carter, Davis, Dixon, Escandon, Fahey, Freeman, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Giffen, Hamill, Hay, Heald, Hill, Ingham, Kercheval, Klotz, Long, McBride, Murphy, Northcutt, Northup, Peek, Pelham, Simpers, Simpson, Snyder, Stowers, Summers, Tinnin, Welch, Williams, Wright, and Mr. Speaker—56.

Mr. Kercheval moved that the Joint Assembly take a recess until seven o'clock, this evening. Lost.

The name of Mr. Phelps was withdrawn by Mr. Finney, by consent.

### THIRD BALLOT.

The Secretary called the roll of the Senate, as follows:

	Hager .....	Shaffer .....	Downey ....	Belcher, ....	Haymond...	Laine.....
Andross .....		1				
Bartlett .....	1					
Beck .....	1					
Boggs .....						
Bush .....			1			
Crane .....		1				
DeHaven.....				1		
Duffy .....		1				
Dyer .....		1				
Eakin .....	1					
Edgerton.....					1	
Evans.....		1				
Farley.....	1					
Finney .....				1		
Fraser .....		1				
Garratt.....						
Gibbons.....						1
Goodale .....						1
Graves .....			1			
Hendricks.....	1					
Hopkins .....		1				
Irwin .....	1					
Kent.....		1				
Keys .....	1					
Laine .....			1			
Lindsey .....			1			
Martin .....						1
McCoy .....						
McCune.....	1					
McKusick.....						
McMurry .....	1					
Neff.....		1				
O'Connor .....	1					
Oulton .....		1				
Pendegast.....						
Perkins.....						
Roach .....						
Spencer .....		1				
Turner .....				1		
Tuttle.....	1					

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager .....	Shafter .....	Haight .....	Cole .....	Bolcher .....	Downey .....	Haymond ....	Scattering ...
Ables.....			1					
Aldrich .....	1							
Amerman .....		1						
Barton .....							1	
Bowers .....		1						
Bradley.....				1				
Bryan.....							1	
Burt.....				1				
Byers .....				1				
Byrnes .....				1				
Canfield .....								1
Carter .....		1						
Chandler.....				1				
Clark.....								1
Coggins .....							1	
Cowdery.....			1					
Cressler .....								1
Davis.....	1							
Dixon.....	1							
Escandon.....	1							
Fahey.....	1							
Franck.....				1				
Freeman .....				1				
Freidenrich .....			1					
Ferguson.....	1							
Giffen .....	1							
Gilmore of Calaveras.....		1						
Gilmore of El Dorado.....	1							
Gray .....					1			
Gurnett.....		1						
Hamill.....	1							
Hammitt.....								1
Hay .....								1
Heald .....	1							
Higbie.....	1							
Hill.....	1							
Howe .....	1							
Hurlburt .....							1	
Ingham .....	1							
Kercheval .....							1	
Klotz.....	1							
Knox .....					1			
Long .....		1						
McBride .....	1							
McCallum.....	1							

	Hager .....	Shafter .....	Haight .....	Cole .....	Belcher .....	Downey .....	Haymond .....	Scattering ..
Meyers .....			1					
Miller .....								1
Morgan .....		1						
Murphy .....			1					
Northcutt .....	1							
Northup .....	1							
Norton .....			1					
Parker .....							1	
Patterson .....				1				
Paulsell .....			1					
Peek .....		1						
Pelham .....	1							
Pishon .....			1					
Rea .....				1				
Rogers .....	1							
Roush .....	1							
Russell .....			1					
Simpers .....	1							
Simpson .....								1
Snyder .....		1						
Stowers .....	1							
Summers .....	1							
Swift .....	1							
Terrill .....			1					
Tinnin .....	1							
Tully .....	1							
Vandall .....				1				
Venable .....						1		
Welch .....	1							
Wickware .....								1
Williams .....	1							
Winchell .....					1			
Wright .....	1							
Mr. Speaker .....								1

Whole number of votes cast .....	112
Necessary to a choice .....	57
J. S. Hager received .....	42
J. McMillan Shafter received .....	20
J. G. Downey received .....	5
I. S. Belcher received .....	6
Creed Haymond received .....	7
T. H. Laine received .....	5
H. H. Haight received .....	10
C. Cole received .....	10
T. G. Phelps received .....	1
— Lewis received .....	3

Samuel Meyers received.....	1
G. C. Perkins received.....	1
Henry Edgerton received.....	1

No choice.

At two o'clock and fifty-seven minutes P. M., on motion of Mr. Evans, the Joint Assembly adjourned.

#### IN ASSEMBLY.

Three o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### RESOLUTION.

By Mr. Swift:

*Resolved by the Assembly, the Senate concurring, That when the two Houses adjourn to-day, they adjourn to meet on Tuesday, the sixth of January, eighteen hundred and seventy-four, at eleven o'clock A. M.*

[Speaker pro tem. in the chair.]

Messrs. Murphy, Hill, and Williams demanded the ayes and noes on the adoption of the resolution, and the roll was called, with the following result:

**AYES**—Messrs. Ables, Aldrich, Bradley, Byrnes, Carter, Cowdery, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Gray, Gurnett, Hamill, Hay, Howe, Knox, Long, McCallum, Meyers, Morgan, Norton, Parker, Patterson, Rea, Rogers, Simpson, Snyder, Summers, Swift, Terrill, Vandall, Wickware, and Wright—36.

**NOES**—Messrs. Amerman, Barton, Bowers, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, McBride, Murphy, Northeutt, Northup, Paulsell, Peek, Pelham, Pishon, Roush, Russell, Simpers, Stowers, Tinnin, Tully, Venable, Welch, Williams, Winchell, and Mr. Speaker—42.

Lost.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Snyder and Higbie for one day.

#### GENERAL FILE.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. Horace Smith.

On motion of Mr. Tully, the House went into Committee of the Whole, with the Speaker in the chair.

#### IN COMMITTEE OF THE WHOLE.

[Speaker in the chair.]

The above reported bill was read by sections, and on motion of Mr.

Cressler, the committee arose, and reported the bill back, without recommendation.

IN ASSEMBLY.

[Speaker in the chair.]

On motion of Mr. Norton, Assembly Bill No. 33 was referred to the Judiciary Committee.

On motion of Mr. Cowdery, the House took up consideration of Senate message relative to adjournment—Senate Concurrent Resolution No. 19:

*Resolved by the Senate, the Assembly concurring, That when the Legislature adjourns to-morrow, it be to meet on Monday, January fifth, eighteen hundred and seventy-four, at eleven o'clock A. M.*

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Murphy, Giffen, and Cowdery.

Mr. Ferguson moved to lie on the table.

Lost.

The roll was called, with the following result:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Byrnes, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Frank, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hay, Heald, Howe, Kercheval, Knox, Long, McCallum, Meyers, Miller, Morgan, Norton, Parker, Patterson, Peek, Pishon, Rea, Rogers, Russell, Stowers, Summers, Swift, Terrill, Tinnin, Tully, Vandall, Venable, Wickware, Wright, and Mr. Speaker—54.

**NOES**—Messrs. Burt, Byers, Canfield, Ferguson, Gilmore of El Dorado, Giffen, Hammitt, Hill, Hurlburt, Ingham, Klotz, McBride, Murphy, Northcutt, Northup, Paulsell, Pelham, Roush, Simpers, Simpson, Welch, Williams, and Winchell—23.

Adopted.

At three o'clock and ten minutes P. M., on motion of Mr. Northup, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, December 23d, 1873. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted Mr. Tinnin for one day; also, for one day, to Messrs. Cowdery, Dixon, Vandall, Ables, and Wright.

## PETITIONS.

Petitions were offered as follows:

By Mr. Bowers—Petition for increase of salary of Assessor of San Diego County.

Referred to the Committee on Ways and Means.

Also, by the same—Petition of C. E. Dean and others that the San Diego and Arizona Mining Company be allowed to change its principal place of business to St. Louis, Missouri.

Referred to the Committee on Mines and Mining Interests.

By Mr. Gray—Petition from citizens of Butte County, asking that the stock law of Colusa County be extended over certain portions of Butte County.

Referred to the Butte County delegation.

Also, by the same—Petition from the inhabitants of Hamilton Township, Butte County, asking that the stock law of Colusa County be made applicable to that township.

Referred to the Butte County delegation.

## REPORTS.

Reports were made as follows:

By Mr. Meyers:

MR. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California—have had the same under consideration, and report it back, with the recommendation that it be referred to the delegations from the Counties of Contra Costa, Alameda, and Santa Clara.

MEYERS, Chairman.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having had under consideration Senate Bill No. 59—An Act supplemental to an Act to regulate fees and salaries in the County of Calaveras, and to define the duties of certain officers in said Calaveras County, approved March fourth, eighteen hundred and seventy—report the same back, with the recommendation that it pass.

FREEMAN, Chairman.

, By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 65—An Act to amend the Penal Code by adding a new section, to be known as section four hundred, prohibiting the exhibiting of the deformities of another, or his own deformities, for hire—now report the same back, and unanimously recommend its passage.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba;

Also, Assembly Bill No. 16—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof;

Also, Assembly Bill No. 47—An Act to repeal section thirty-seven hundred and fifty-seven of the Political Code;

And that the same were, this day, at eleven o'clock and forty-five minutes A. M., delivered to the Governor, for his approval.

ALEX. HAY, Chairman.

#### RESOLUTIONS.

By Mr. Meyers:

*Resolved*, That the position of Porter for the Assembly, now held by John Nicholson, is declared vacant, and that we proceed to elect a suitable person to fill the vacancy.

Mr. Coggins moved for a division of the question: First—That the position of Porter, now held by John Nicholson, be declared vacant. Second—That we proceed to elect a suitable person to fill the vacancy.

The first part of the resolution was adopted, and, on motion of Mr. Terrill, the second part was laid on the table until the reassembling of the Legislature after the holidays.

By Mr. Long:

*Resolved by the Assembly, the Senate concurring*, That two hundred and forty copies of the Report of the Yosemite Valley Commissioners be printed, together with accompanying documents.

Adopted.

By Mr. Terrill:

*Resolved*, That the usual number of copies of Assembly Bill No. 24 be printed.

Adopted.

By Mr. Meyers:

*Resolved*, That the sum of twenty-four dollars be allowed A. G. Hoagland, out of the Contingent Fund of the Assembly, for three days service rendered in the Journal Clerk's office, and that the Controller be authorized to draw his warrant for the same.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:



SENATE CHAMBER,  
December 22d, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-second day of December, A. D. eighteen hundred and seventy-three, passed Assembly Bill No. 16—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof.

Also, passed Assembly Bill No. 47—An Act to repeal section three thousand seven hundred and fifty-seven of the Political Code.

Also, adopted Senate Concurrent Resolution No. 19:

*Resolved by the Senate, the Assembly concurring,* That when the Legislature adjourns to-morrow it be to meet on Monday, January fifth, eighteen hundred and seventy-four, at eleven o'clock, A. M.

CHINN, Assistant Secretary.

SENATE CHAMBER,  
December 22d, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-second day of December, A. D. eighteen hundred and seventy-three, passed Senate Joint Resolution No. 13—to restore lands granted the Folsom and Placerville Railroad and Telegraph Company to the public domain.

CHINN, Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Joint Resolution No. 13, above reported, read first and second times, and referred to the Committee on Public Lands.

#### INTRODUCTION OF BILLS.

By Mr. Tully—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara.

Read first and second times, and referred to Committee on Claims.

By Mr. Gilmore of El Dorado—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Read first and second times, and referred to Committee on Ways and Means.

#### GENERAL FILE.

Senate Bill No. 59, reported this morning, was taken up, rules suspended, read third time, and passed.

Senate Bill No. 40—An Act to amend an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty seven, eighteen hundred and sixty-eight.

Read third time, and passed.

On motion of Mr. Bowers, further consideration of business on General File was suspended until after adjournment of Joint Assembly.

At eleven o'clock and fifty-five minutes A. M., the House took a recess.

## REASSEMBLED.

At twelve o'clock M. the House reassembled.

[Speaker in the chair.]

The Speaker announced as the special order of the day, the election of a United States Senator.

## JOINT ASSEMBLY.

TUESDAY, December 23d, 1873.

The Joint Assembly met at twelve o'clock meridian, pursuant to adjournment, and as required by the Act of Congress heretofore recorded.

The President of the Senate and Speaker of the Assembly presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McMurry, Neff, O'Connor, Oulton, Pendegast, Perkins, Spencer, Turner, and Tuttle—35.

The Chief Clerk called the roll of the Assembly, and the following members were present:

Messrs. Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Northcutt, Northup, Norton, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—71.

Mr. Lindsey moved that the reading of the Journal be dispensed with. So ordered.

Mr. Bush, by consent, withdrew the name of J. G. Downey as a candidate for United States Senator for the short term.

## FOR SENATOR FOR SHORT TERM.

The Secretary called the roll of the Senate, and each Senator present announced his choice for such Senator, as follows:

	Flager .....	Shafter.....	Laine.....	Belcher.....	Downey.....
Andross .....		1			
Bartlett .....	1				
Beck .....	1				
Boggs .....					
Bush .....			1		
Crane .....		1			
DeHaven.....				1	
Duffy.....		1			
Dyer .....		1			
Eakin ..	1				
Edgerton.....	1				
Evans.....		1			
Farley .....	1				
Finney .....					
Fraser .....		1			
Garratt .....					
Gibbons .....			1		
Goodale .....			1		
Graves .....			1		
Hendricks .....					
Hopkins .....		1			
Irwin .....	1				
Kent.....		1			
Keys .....	1				
Laine.....					1
Lindsey .....	1				
Martin .....			1		
McCoy .....	1				
McCune.....	1				
McKusick .....					
McMurry .....	1				
Neff .....		1			
O'Connor .....	1				
Oulton .....		1			
Pendegast .....	1				
Perkins.....			1		
Roach ..					
Spencer.....		1			
Turner .....		1			
Tuttle .....	1				

The Chief Clerk of the Assembly called the roll of the Assembly, and the result was declared as follows:

	Inger .....	Shafter .....	Cole .. .....	Haymond...	Laine .....
Ables .....					
Aldrich .....	1				
Amerman .....		1			
Barton .....				1	
Bowers .....		1			
Bradley .....			1		
Bryan .....					1
Burt .....			1		
Byers .....			1		
Byrnes .....			1		
Canfield .....				1	
Carter .....		1			
Chandler .....			1		
Clark .....	1				
Coggins .....				1	
Cowdery .....					
Cressler .....					1
Davis .....	1				
Dixon .....					
Escandon .....	1				
Fahey .....	1				
Franck .....					1
Freeman .....					
Freidenrich .....					1
Ferguson .....	1				
Giffen .....	1				
Gilmore of Calaveras .....		1			
Gilmore of El Dorado .....	1				
Gray .....					1
Gurnett .....		1			
Hamill .....	1				
Hammitt .....					1
Hay .....					1
Heald .....	1				
Higbie .....	1				
Hill .....	1				
Howe .....	1				
Hurlburt .....				1	
Ingham .....	1				
Kercheval .....					1
Klotz .....	1				
Knox .....			1		
Long .....		1			
McBride .....	1				
McCallum .....	1				

	Hager.....	Shafter .....	Cole .....	Haymond ..	Laine.....
Meyers .....					1
Miller.....			1		
Morgan .....		1			
Murphy.....				1	
Northcutt .....	1				
Northup .....					
Norton .....				1	
Parker.....					
Patterson.....			1		
Paulsell ..	1				
Peek .....		1			
Pelham .....	1				
Pishon .....	1				
Rea.....					1
Rogers .....	1				
Roush .....	1				
Russell .....					1
Simpers .....	1				
Simpson .....				1	
Snyder .....		1			
Stowers...	1				
Summers .....	1				
Swift.....	1				
Terrill .....					1
Tinnin..					
Thomas .....					
Tully.....	1				
Vandall.....					
Venable.....	1				
Welch.....	1				
Wickware .....					1
Williams .....	1				
Winchell .....					
Wright .....					
Mr. Speaker.....					1

Whole number of votes cast.....	104
Necessary to a choice.....	53
John S. Hager received.....	45
J. McMillan Shafter received.....	21
Thomas H. Laine received.....	20
I. S. Belcher received.....	2
J. G. Downey received.....	1
Cornelius Cole received.....	8
Creed Haymond received.....	7

At twelve o'clock and twenty-seven minutes P. M., Mr. Amerman moved to adjourn; on which the ayes and noes were demanded by Messrs. Norton, Gilmore of El Dorado, and Williams, and the motion was lost, by the following vote:

**AYES**—Messrs. Beck, Crane, DeHaven, Duffy, Evans, Finney, Fraser, Goodale, Graves, Kent, Keys, Laine, Neff, Oulton, Spencer, Turner, Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Burt, Byers, Byrnes, Carter, Chandler, Clark, Cressler, Fahey, Franck, Freeman, Freidenrich, Gray, Kercheval, Knox, Long, McCallum, Meyers, Miller, Morgan, Norton, Patterson, Rea, Roush, Simpson, Swift, Terrill, Tully, Wickware, and Winchell—51.

**NOES**—Messrs. Andross, Bartlett, Bush, Dyer, Eakin, Edgerton, Farley, Gibbons, Hopkins, Irwin, Lindsey, Martin, McCoy, McCune, McMurry, O'Connor, Pendegast, Perkins, Tuttle, Bryan, Canfield, Coggins, Davis, Escandon, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Klotz, McBride, Murphy, Northcutt, Northup, Paulsell, Peek, Pelham, Pishon, Rogers, Russell, Simpers, Snyder, Stowers, Summers, Venable, Welch, Williams, and Mr. Speaker—57.

Mr. Amerman was granted leave of absence.

#### SECOND BALLOT.

The Secretary of the Senate called the roll of the Senate, and each Senator pronounced the name of his choice, as follows:

	Hager.	Shafter	Belcher.	Laine.	Downey
Andross .....	1	.....	.....	.....	.....
Bartlett .....	1	.....	.....	.....	.....
Beck.....	1	.....	.....	.....	.....
Boggs.....	.....	.....	.....	.....	.....
Bush.....	1	.....	.....	.....	.....
Crane .....	.....	1	.....	.....	.....
DeHaven.....	.....	.....	1	.....	.....
Duffy.....	1	.....	.....	.....	.....
Dyer .....	.....	1	.....	.....	.....
Eakin .....	1	.....	.....	.....	.....
Edgerton.....	1	.....	.....	.....	.....
Evans .....	.....	1	.....	.....	.....
Farley.....	1	.....	.....	.....	.....
Finney .....	.....	.....	.....	.....	.....
Fraser.....	.....	1	.....	.....	.....
Garratt .....	.....	.....	.....	.....	.....
Gibbons .....	.....	.....	.....	1	.....
Goodale .....	.....	.....	.....	1	.....
Graves .....	.....	.....	.....	1	.....
Hendricks.....	.....	.....	.....	.....	.....
Hopkins .....	.....	1	.....	.....	.....
Irwin .....	1	.....	.....	.....	.....

	Hager.	Shafter.	Belcher	Laine.	Downey
Kent.....	1				
Keys .....	1				
Laine .....					1
Lindsey .....	1				
Martin .....				1	
McCoy .....	1				
McCune .....	1				
McKusick .....					
McMurry .....	1				
Neff .....		1			
O'Connor .....	1				
Oulton .....		1			
Pendegast .....	1				
Perkins.....				1	
Roach .....					
Spencer .....		1			
Turner .....		1			
Tuttle .....	1				

The Chief Clerk called the roll of the Assembly, and the result was declared as follows:

	Hager.....	Shafter.....	Cole .....	Laine.....	Scattering...
Aldrich.....	1				
Barton .....					1
Bowers .....		1			
Bradley .....			1		
Bryan .....				1	
Burt.....			1		
Byers.....			1		
Byrnes.....			1		
Canfield .....	1				
Carter .....		1			
Chandler .....			1		
Clark .....	1				
Coggins .....			1		
Cressler.....				1	
Davis .....	1				
Escandon .....	1				
Fahey .....	1				
Franck .....				1	
Freidenrich .....				1	
Ferguson.....	1				
Giffen .....	1				

	Hager .....	Shafter.....	Cole .....	Laine.....	Scattering..
Gilmore of Calaveras.....	1				
Gilmore of El Dorado.....	1				
Gray .....				1	
Gurnett.....		1			
Hamull.....	1				
Hammitt.....				1	
Hay.....				1	
Heald .....	1				
Higbie .....	1				
Hill .....	1				
Howe .....	1				
Hurlburt .....				1	
Ingham.....	1				
Kercheval.....				1	
Klotz.....	1				
Knox .....					1
Long .....	1				
McBride .....	1				
McCallum.....	1				
Meyers .....				1	
Miller.....			1		
Morgan.....		1			
Murphy.....	1				
Northcutt .....	1				
Norton .....					1
Patterson .....			1		
Paulsell .....	1				
Peek.....	1				
Pelham .....	1				
Pishon .....	1				
Rea.....				1	
Rogers .....	1				
Roush .....	1				
Russell .....				1	
Simpson.....				1	
Snyder.....	1				
Stowers.....	1				
Summers.....	1				
Swift .....	1				
Terrill .....				1	
Tully.....	1				
Venable .....	1				
Welch .....	1				
Wickware .....				1	
Williams .....	1				
Winchell.....					1
Mr. Speaker.....	1				



Whole number of votes cast.....	102
Necessary to a choice .....	52
J. S. Hager received.....	55
J. McM. Shafter received.....	13
I. S. Belcher received.....	3
T. H. Laine received.....	20
J. G. Downey received.....	1
Cornelius Cole received .....	8
Creed Haymond received.....	2

Whereupon, it appearing that John S. Hager, having received a majority of all the votes cast by the members elected to both Houses, being present and voting in Joint Assembly, he was declared by the President thereof duly elected a United States Senator in Congress, to fill the vacancy occasioned by the resignation of the Hon. Eugene Casserly, and for the unexpired term of said Eugene Casserly, which term expires on the third day of March, eighteen hundred and seventy-five.

On motion of Mr. Oulton, the proceedings of the Joint Assembly were approved.

On motion of Mr. Evans, at one o'clock and five minutes P. M., the Joint Assembly adjourned *sine die*.

#### IN ASSEMBLY.

Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Terrill, the House, at two o'clock and five minutes P. M., adjourned.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
Monday, January 5th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Tuesday, December twenty-third, eighteen hundred and seventy-three, was read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Rea, Franck, Gilmore of Calaveras, Stowers, Tully, McCallum, Peek, Hamill, Byrnes, Gilmore of El Dorado, Dixon, Thomas, Hay, Patterson, and Carter, for one day; and to Mr. Paulsell for two days, and indefinite leave to the Committee on City Hall.

#### RESOLUTIONS.

By Mr. Murphy—Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Read first and second times, and placed on General File.

By Mr. McBride—Assembly Concurrent Resolution No. 13—relative to the establishment of a daily mail route from Redding, via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Center, Carr's Ranch, New York House, Callahan's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka.

Read first and second times, and referred to Trinity, Shasta, and Siskiyou delegation.

By Mr. Northcutt:

*Resolved*, That any boy occupying the position of Page in this body, who shall spend his earnings in saloons, playing cards, billiards, and like games, shall, upon satisfactory proof thereof, be removed, and his position declared vacant.

Adopted.

By Mr. Vandall:

*Resolved*, That, in order to maintain uniformity of style in the Codes, a Supervising Committee be created and appointed, and that all proposed changes or amendments to the Codes be referred to such committee, and be made to conform thereto before ordered printed.

Lost.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
December 23d, 1873. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-second day of December, A. D. eighteen hundred and seventy-three, passed Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, County of Stanislaus.

Also, passed Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus.

Also, on this day, adopted Senate Joint Resolution No. 9—relative to the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam, in same county.

Also, adopted Senate Concurrent Resolution No. 6—relative to mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County.

Also, adopted Senate Concurrent Resolution No. 14—prohibiting the employment of coolie labor.

J. B. CHINN,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

The House took up consideration of Senate message.

Senate Bill No. 47, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Bill No. 68, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Joint Resolution No. 9, above reported, read first and second times, and referred to the Napa delegation.

Assembly Concurrent Resolution No. 6, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Concurrent Resolution No. 14, above reported, read first and second times, and referred to the Committee on Federal Relations.

#### NOTICES.

By Mr. Cressler, of a bill to create the County of Canby, establish its boundaries, and provide for its organization.

By Mr. Amerman, to amend Rule Number One of the Standing Rules of the Assembly, so as to make the time of meeting ten o'clock instead of eleven o'clock.

By Mr. Giffen, of a bill entitled an Act to amend the Political Code in relation to common schools.

By Mr. Hammitt, of a bill to amend an Act entitled an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Amerman—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Alameda delegation.

By Mr. Fahey—An Act to amend an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Calaveras delegation.

By Mr. Pishon—An Act to repeal section four thousand one hundred and eleven of the Political Code, so far as the same applies to San Bernardino County, and to provide for the election of Supervisors in said county.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Barton—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

Read first and second times, and referred to Committee on Public Buildings and Grounds.

By Mr. Aldrich—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Aldrich—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Venable—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

Read first and second times, and referred to Committee on Claims.

By Mr. Snyder—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Read first and second times, and referred to the Mariposa delegation.

Also, An Act regulating the salaries of certain officers of Mariposa County.

Read first and second times, and referred to the Mariposa delegation.

By Mr. Russell—An Act to reimburse the Stationery, Lights, and Fuel Fund.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Howe—An Act proposing amendments to section three of Article VI, and section one of Article IX, of the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Murphy—An Act to declare Lake Earl, in Del Norte County, navigable.

Read first and second times, and referred to the Del Norte delegation.

By Mr. Hill—An Act to change the name of Milton Hoar to the name of Milton Niles.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Simpson—An Act to amend section three thousand nine hundred and eleven of the Political Code, relating to the boundary line between Shasta and Tehama Counties.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Russell—An Act making appropriations for deficiencies in the office of the Secretary of State.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Murphy—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Read first and second times, and referred to the Del Norte delegation.

Also, An Act to amend an Act concerning roads and highways in the Counties of Klamath and Del Norte

Read first and second times, and referred to the Del Norte and Klamath delegations.

By Mr. Freeman—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

#### GENERAL FILE.

Assembly Bill No. 7—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy three.

On the adoption of the amendment, as offered by Mr. Bowers, the ayes and noes were demanded by Messrs. Kercheval, Coggins, and Cowdery, and the roll was called, with the following result:

**AYES**—Messrs. Amerman, Bowers, Canfield, Cressler, Fahey, Ferguson, Giffen, Gurnett, Hammitt, Higbie, Howe, Klotz, Long, McBride, Morgan, Murphy, Northcutt, Northup, Pishon, Simpson, Snyder, Summers, Tinnin, Venable, and Wickware—25.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Chandler, Clark, Coggins, Cowdery, Davis, Freeman, Gray, Hay, Heald, Hurlburt, Ingham, Kercheval, Knox, McCallum, Meyers, Miller, Norton, Patterson, Pelham, Rogers, Roush, Russell, Simpers, Thomas, Vandall, Welch, Williams, Wright, and Mr. Speaker—36.

Lost.

On motion of Mr. Amerman, further consideration of the bill was indefinitely postponed.

Assembly Bill No. 49—An Act to amend section two thousand six hundred and forty-five of the Political Code.

On motion of Mr. Bradley, placed at top of the file for Monday next.

Assembly Bill No. 44—An Act to repeal an Act entitled an Act to protect agriculture, and to prevent the trespass of animals upon private property, in the County of Los Angeles and the County of San Diego, and part of Monterey County, approved February fourteenth, eighteen hundred and seventy-two; and to make the same applicable to the County of San Bernardino, so far as the same relates to San Bernardino County.

Read third time, and passed.

Assembly Bill No. 42—An Act to provide for the location, construction, and maintenance of public roads in Lake County.

Ordered engrossed.

Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino and the Board of Trustees of the Town of San Bernardino.

Ordered engrossed.

Assembly Bill No. 58—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities.

On motion of Mr. Gurnett, the bill was recommitted to the Alameda delegation.

Assembly Bill No. 25—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, and Kern.

Mr. Fahey, at three o'clock and fifty minutes P. M., moved to adjourn.

Lost.

Amendments, as reported by the Committee on Agriculture, adopted, the bill further amended, and ordered engrossed.

Mr. Bowers gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 7 was indefinitely postponed.

At three o'clock and twelve minutes P. M., on motion of Mr. Howe, the House adjourned.

D. T. LOOFBOURBOW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, January 6th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Rea for one day, and to Mr. Dixon for two days.

## REPORTS.

Reports were made as follows:

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 35—An Act to repeal section three thousand three hundred and eighty-five of Article Second of the Political Code, relative to animals kept for propagation—have had the same under consideration, and beg leave to report it back, with a substitute for the bill, and recommend the adoption and passage of the substitute.

SAMUEL MEYERS, for Committee.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation have had under consideration Senate Joint Resolution No. 12—relative to asking Congress for an appropriation to remove obstructions from navigable rivers of this State—have had the same under consideration, and beg to report the same back, with a recommendation that it do pass.

ALDRICH, Chairman.

By Mr. Murphy:

Mr. SPEAKER: The Del Norte delegation, to whom was referred Assembly Bill No. 81—An Act to declare Lake Earl navigable—report it back, and recommend its passage.

Also, Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds—report it back, and recommend its passage.

Also, Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte, approved March thirty-first, eighteen hundred and sixty-six—report it back, and recommend its passage.

MURPHY, for Delegation.

By Mr. Higbie:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 67, report back the same, and recommend its passage.

A. HIGBIE,  
J. W. VENABLE,  
Delegation.

By Mr. Higbie:

MR. SPEAKER: Your Committee on Education report back Assembly Bill No. 64, and unanimously recommend its passage.

A. HIGBIE,  
Chairman.

By Mr. Davis:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, in the County of Stanislaus, State of California—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

By Mr. Tinnin:

MR. SPEAKER: The Shasta, Trinity, and Siskiyou delegations, to whom was referred Assembly Concurrent Resolution No. 13—relative to the reestablishment of a mail route through Shasta, Trinity, and Siskiyou Counties—respectfully report that they have had the same under consideration, and report it back to the House, with the recommendation that it be adopted.

RUDOLPH KLOTZ,  
For Shasta Delegation.  
W. I. TINNIN,  
For Trinity Delegation.  
J. W. MCBRIDE,  
WM. T. CRESSLER,  
For Siskiyou Delegation.

By Mr. Davis:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-six—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Concurrent Resolution No. 1—relative to procuring repeal of import duty on burlaps, and grain and wool sacks.

Also, Concurrent Resolution No. 7—relative to granting pensions to soldiers of the Mexican War of eighteen hundred and forty-six—seven—eight.

BRADLEY, Chairman.

By Mr. Amerman:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 70—An Act to revise an Act to incorporate the Town of

San Leandro, approved March twenty-first, eighteen hundred and seventy-two—respectfully report the same back, and recommend its passage.

AMERMAN,  
GURNETT.

#### RESOLUTIONS.

By Mr. Meyers:

*Resolved*, That the Engrossing Clerk of the Assembly be authorized to employ two assistant clerks, at the same per diem as Copying Clerks, to be paid out of the Contingent Fund of the Assembly.

Referred to the Committee on Rules and Employés.

By Mr. Freeman:

*Resolved*, That the Committee on Corporations be and they are hereby instructed to extend an invitation to the publishers of newspapers, and to all others, to furnish said committee with any substantial fact or circumstance that might have come under their observation, in regard to any discrimination of the charges on freights and fares by the railroad companies of this State.

Adopted.

By Mr. Amerman:

*Resolved*, That Standing Rule Number One, of this House, be amended so as to read as follows:

#### "MEETING.

##### "1.

"The House shall meet, each day of sitting, at ten o'clock A. M., unless the House shall adjourn to some other hour. A daily recess of one hour, from twelve M. to one P. M., shall be had."

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Hill, Tully, and Hay.

The roll was called, with the following result:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Escandon, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Morgan, Murphy, Northcutt, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—71.

NOES—Messrs. Fahey, Ferguson, Miller, Northup, Summers, and Swift—6.

Adopted.

#### ELECTION OF PORTER.

On motion of Mr. Meyers, the House proceeded to the election of a Porter, to fill the place made vacant by the removal of John Nicholson. Mr. Barton nominated Joseph Shaw.



Mr. Northup nominated A. D. Henderson.  
 Mr. Kercheval nominated Thomas Corcoran.  
 Mr. Higbie nominated James S. Painter.  
 Mr. Paulsell nominated Stephen Addison.  
 Mr. Welch nominated Lewis Berger.  
 Mr. Vandall nominated Alexander Ashburn.  
 Mr. Gurnett nominated Edward Hesser.  
 Mr. Bryan nominated L. Preston.  
 Mr. Cowdery nominated Henry McP. Jones.  
 Mr. Clark nominated T. C. Hammond.  
 Mr. Gilmore of Calaveras nominated Edward Johnson.  
 The roll was called, with the following result:

	Shaw .....	Henderson ...	Corcoran ...	Painter .....	Addison ...	Berger. ....	Hesser .....	Jones .....	Hammond...	Johnson .....
Ables .....			1	1	1					
Aldrich .....				1						
Amerman .....					1					
Barton .....	1									
Bowers .....						1				
Bradley .....							1			
Bryan.....	1									
Burt .....									1	
Byers .....								1		
Byrnes.....										1
Canfield .....									1	
Carter .....				1					1	
Chandler.....									1	
Clark .....									1	
Coggins .....	1									
Cowdery .....				1						
Cressler .....						1				
Davis.....		1								
Dixon .....										
Escandon.....		1								
Fahey .....					1					
Franck .....			1							
Freeman .....			1							
Freidenrich .....					1					
Ferguson .....					1					
Giffen.....					1					
Gilmore of Calaveras..										1
Gilmore of El Dorado.						1				
Gray.....									1	
Gurnett .....							1			
Hamill .....					1					
Hammitt .....					1					
Hay .....						1				
Heald.....				1						
Higbie .....				1						

	Johnson .....	Hammond...	Jones .....	Hessgr .....	Berger .....	Addison .....	Painter .....	Corcoran .....	Henderson .....	Shaw .....
Hill .....						1				
Howe .....						1				
Hurlburt.....		1								
Ingham .....								1		
Kercheval.....								1		
Klotz .....		1								
Knox .....									1	
Long .....							1			
McBride.....					1					
McCallum .....								1		
Meyers .....						1				
Miller .....						1				
Morgan .....					1					
Murphy .....					1					
Northcutt.....					1					
Northup .....									1	
Norton .....								1		
Parker .....									1	
Patterson.....							1			
Paulsell.....						1				
Peek .....						1				
Pelham .....										
Pishon .....		1								
Rea .....		1								
Rogers .....					1					
Roush .....										1
Russell .....										1
Simpers .....					1					
Simpson .....								1		
Snyder .....						1				
Stowers .....						1				
Summers.....					1					
Swift .....					1					
Terrill.....										
Tinnin .....					1					
Thomas .....					1					
Tully .....					1					
Vandall .....						1				
Venable .....									1	
Welch .....					1					
Wickware .....					1					
Williams .....					1					
Winchell .....		1								
Wright .....					1					
Mr. Speaker.....						1				

Whole number of votes cast.....	77
Necessary to a choice.....	39
Mr. Shaw received.....	5
Mr. Henderson received.....	6
Mr. Corcoran received.....	8
Mr. Painter received.....	7
Mr. Addison received.....	17
Mr. Berger received.....	19
Mr. Hesser received.....	2
Mr. Jones received.....	1
Mr. Hammond received.....	10
Mr. Johnson received.....	2

No choice.

Pending the election for Porter, the hour of twelve o'clock M. having arrived, the Speaker declared a recess until one o'clock P. M.

#### REASSEMBLED.

At one o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called, and a quorum present.

#### ELECTION OF PORTER.

The roll was called on the second ballot for Porter, with the following result:

	Berger .....	Addison ....	Corcoran...	Hammond .	Henderson .	Painter.....
Ables .....		1				
Aldrich.....		1				
Amerman.....		1				
Barton .....				1		
Bowers .....		1				
Bradley .....		1				
Bryan .....				1		
Burt .....	1					
Byers.....						
Byrnes.....	1					
Canfield .....		1				
Carter .....		1				
Chandler.....		1				
Clark .....				1		
Coggins.....						1
Cowdery.....		1				
Cressler.....				1		
Davis .....		1				
Dixon .....						
Escandon .....		1				

	Berger.....	Addison .....	Curran ....	Hammond ..	Henderson ..	Painter.....
Fahey .....		1				
Franck .....		1				
Freeman.....						
Freidenrich .....		1				
Ferguson.....		1				
Giffen .....		1				
Gilmore of Calaveras.....	1					
Gilmore of El Dorado.....	1					
Gray .....				1		
Gurnett .....		1				
Hamill .....		1				
Hammitt.....		1				
Hay .....		1				
Heald.....		1				
Higbie .....						1
Hill .....		1				
Howe .....		1				
Hurlburt .....				1		
Ingham .....	1					
Kercheval.....						1
Klotz .....				1		
Knox .....					1	
Long .....		1				
McBride .....	1					
McCallum .....	1					
Meyers .....		1				
Miller.....		1				
Morgan.....	1					
Murphy.....		1				
Northcutt .....						
Northup.....		1				
Norton.. ..		1				
Parker .....						1
Patterson .....		1				
Paulsell .....		1				
Peek.....		1				
Pelham .....		1				
Pishon .....				1		
Rea.....						
Rogers.....	1					
Roush .....						1
Russell .....						1
Simpers .....	1					
Simpson.....			1			
Snyder.....		1				
Stowers .....		1				
Summers.....		1				
Swift .....	1					

	Berger .....	Addison ....	Corcoran ...	Hammond ..	Henderson ..	Painter .....
Terrill .....						
Tinnin .....	1					
Thomas .....		1				
Tully .....		1				
Vandall .....		1				
Venable .....					1	
Welch .....	1					
Wickware .....	1					
Williams .....	1					
Winchell .....		1				
Wright .....	1					
Mr. Speaker .....		1				

Whole number of votes cast .....	74
Necessary to a choice .....	38
Mr. Berger received .....	16
Mr. Addison received .....	41
Mr. Corcoran received .....	1
Mr. Hammond received .....	8
Mr. Henderson received .....	2
Mr. Shaw received .....	0
Mr. Hesser received .....	0
Mr. Johnson received .....	0
Mr. Jones received .....	0
Mr. Painter received .....	6

Mr. Addison, having received a majority of all the votes, was declared elected to the position of Porter of the Assembly.

On motion of Mr. Aldrich, the usual number of copies of Assembly Bills Nos. 74 and 75, were ordered printed.

#### RESOLUTION.

By Mr. Cowdery:

*Resolved*, That the Committee on Rules and Employés be instructed to inquire and report what disposition has been made of the original resolution offered on the eighth day of December, eighteen hundred and seventy-three, and referred to a special committee; the said resolution being the one referring the first biennial message of Governor Booth to the several committees and special committees of this House.

Adopted.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 6th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the

Senate, on the fifth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Also, on this day, passed Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

Also, adopted Assembly Concurrent Resolution No. 11—to provide for printing two hundred and forty copies of the Report of the Yosemite Valley Commissioners.

Also, adopted Senate Concurrent Resolution No. 21—to provide for printing four thousand copies of the Governor's Message.

Also, passed Senate Bill No. 16—An Act directing the Controller to advertise, in a newspaper published in the County of Stanislaus, of the sale of certain lands, the title of which is vested in the State of California.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 24, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 34, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 21, above reported, read first and second times, and adopted.

Senate Bill No. 16, above reported, read first and second times, and referred to the Committee on Public Lands.

#### NOTICES.

By Mr. Freeman, of a bill to create the Twenty-first Judicial District, and for other purposes.

By Mr. Hammitt, of a bill to provide for electing members of the Assembly; and to provide for equitable representation of all electors.

By Mr. Gilmore of Calaveras, of a bill to amend certain sections of the Political Code, relating to the collection of State poll tax.

Also, a bill to amend certain sections of the Code, relating to duties of County Auditors in connection with the assessment book.

By Mr. Tully, of a bill to create the County of San Benito, and provide for its organization.

By Mr. McCallum, of a bill regulating the manner of electing Supervisors in Mendocino County.

#### INTRODUCTION OF BILLS.

By Mr. Murphy—An Act to enumerate the inhabitants of the State of California.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Tinnin—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor.

Read first and second times, and referred to the Trinity delegation.

By Mr. Ables—An Act to incorporate the Town of San Rafael.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Wickware—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Freidenrich—An Act supplementary to an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and an Act supplementary and amendatory thereof, approved April first, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Giffen—An Act to amend the Political Code in relation to common schools.

Read first and second times, and referred to the Committee on Education.

By Mr. Hurlburt—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Read first and second times, and referred to the Humboldt delegation.

By Mr. Klotz—An Act to change the orthography of the name of a town in Shasta County.

Read first and second times, and referred to the Shasta, Tehama, and Trinity delegation.

By Mr. Amerman—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

Read first and second times, and referred to the Committee on Apportionment.

By Mr. Cressler—An Act to create the County of Canby, to establish the boundaries thereof, and to provide for its organization.

Read first and second times, and referred to Committee on Counties and County Boundaries.

By Mr. Hammitt—An Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

Read first and second times, and referred to the Committee on Agriculture.

Also, An Act to repeal an Act entitled an Act supplementary to an Act entitled an Act to prevent trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, and referred to Committee on Agriculture.

By Mr. Bowers—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Murphy—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Re-

demption Fund, for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

Read first and second times, and referred to the Del Norte delegation.

By Mr. Cowdery—An Act to amend the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Freeman—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

Read first and second times, and referred to the Yolo delegation.

#### RESOLUTIONS.

Mr. Cowdery had leave to introduce the following resolution:

*Resolved*, That the Copying Clerks be directed to make a copy of an Act to amend the Code of Civil Procedure, introduced this day, for the Printer, not in writing, but out of printed material (with writing, when necessary) to be furnished by the Code Commissioners.

Adopted.

Mr. Cowdery had leave to introduce the following resolution:

*Resolved*, That nine hundred and sixty extra copies of an Act to amend the Code of Civil Procedure, be printed.

On motion of Mr. Murphy, the resolution was laid on the table.

#### GENERAL FILE.

Assembly Bill No. 65—An Act to amend the Penal Code, by adding a new section, to be known as section four hundred.

Amended, and ordered engrossed.

On motion of Mr. Amerman, the House took up for consideration Assembly Bill No. 70—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

Mr. Amerman moved to suspend the rules, consider the bill engrossed, and place it upon its passage.

Upon which, the ayes and noes were demanded by Messrs. Aldrich, Norton, and Summers.

The House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bowers, Bradley, Byers, Byrnes, Canfield, Carter, Chandler, Cressler, Davis, Escandon, Fahey, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Ingham, Knox, Long, McBride, Meyers, Miller, Morgan, Murphy, Northup, Paulsell, Peek, Pelham, Pishon, Russell, Simpers, Snyder, Stowers, Swift, Thomas, Tully, Welch, Wickware, Williams, and Winchell—52.

**NOES**—Messrs. Aldrich, Bryan, Burt, Coggins, Franck, Freidenrich, Hill, Kercheval, Klotz, McCallum, Northcutt, Norton, Parker, Patterson, Rogers, Roush, Simpson, Summers, Tinnin, Vandall, Wright, and Mr. Speaker—22.

Read third time, and passed.



## RESOLUTION.

By Mr. Williams:

*Resolved*, That the Clerk be instructed not to deliver a copy of Assembly Bill No. 102 to the Printer, until a further order of this House.

Adopted.

On motion of Mr. Williams, the resolution this day introduced relative to printing nine hundred and sixty copies of Assembly Bill No. 102, was taken from the table and referred to the Committee on Printing.

On motion of Mr. Parker, the House took up for consideration, Assembly Bill No. 64—An Act for the relief of Round Valley School District, Inyo County

On motion of Mr. Parker, the rules were suspended, bill considered engrossed, read third time, and passed.

At three o'clock and five minutes P. M., on motion of Mr. Garnett, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, January 7th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were submitted, as follows:

The Speaker presented to the House a report of the State Woman's Hospital.

Referred to Committee on Ways and Means.

By Mr. Gray:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Senate Joint Resolution No. 13—to restore lands granted the Folsom and Placerville Railroad and Telegraph Company to the public domain—have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 12—An Act to provide for the appointment of a

taries Public in the Counties of Fresno, Tulare, and Humboldt—report it back, and recommend its passage

Also, Assembly Bill No. 51—An Act to amend section fifteen hundred and nineteen of the Penal Code—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 50—An Act to amend section eight hundred and ninety-two of the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County—report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Snyder:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six—beg leave to report the same back, and recommend its passage.

SNYDER, Chairman.

By Mr. Tinnin:

MR. SPEAKER: The Committee on Claims have had under consideration Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund—and report it back to the House, and recommend its passage.

We have also examined the claim of Louis Callisch for five days' services as Porter of the Assembly for the nineteenth session, and find that Mr. Callisch's claim is for services rendered before he was regularly appointed; that he served through the session, and regularly drew his pay; and your committee believe that, as Mr. Callisch had every opportunity and failed to present his claim at the session when he served, that it would be a bad precedent for this body to pay his claim. We, therefore, recommend that the claim of Louis Callisch be indefinitely postponed.

TINNIN, Chairman.

By Mr. Miller:

MR. SPEAKER: The Committee on Mileage, to whom was referred Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin—report the same back, and recommend its passage.

MILLER, Chairman.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Printing have had under consideration the matter of printing nine hundred and sixty copies of the bill to amend the Code of Civil Procedure, and beg leave to report that members of the committee have made calculations as follows: Three hundred and sixteen dollars and forty-eight cents by one member; by another, six hundred and eighty-two dollars; and by another, seven hundred and seventy dollars. These estimates are for printing in bill form, which we find from section five hundred and twenty-nine of the Political Code,

is the only manner in which they can be printed. The lack of facilities (not having a printing office at our command, nor a copy of the bill to carefully examine,) prevents our arriving at a close and definite calculation of said cost.

B. C. VANDALL,  
J. W. FERGUSON,  
J. E. PARKER.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly resolution relative to the appointment of Assistant Engrossing Clerks, report the same back, with the recommendation that the resolution be adopted.

MEYERS, for Committee.

*Resolved*, That the Engrossing Clerk of the Assembly be authorized to employ two assistant clerks, at the same per diem as Copying Clerks, to be paid out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 9—relative to the election of United States Senators—beg leave to report that they have examined the same, and report the same back, with the recommendation that it do pass.

FRANCK, Chairman.

By Mr. Fahey:

Mr. SPEAKER: The Calaveras delegation, to whom was referred Assembly Bill No. 71—An Act fixing the time of holding the County Court and Probate Court in the County of Calaveras—have had the same under consideration, and recommend its passage.

FAHEY, for Delegation.

By Mr. Hurlburt:

Mr. SPEAKER: The Humboldt delegation, to whom was referred Assembly Bill No. 94, beg leave to report the same back, and recommend its passage.

HURLBURT, for Delegation.

By Mr. Tinnin:

Mr. SPEAKER: The Shasta, Tehama, and Trinity delegations, to whom was referred Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County—report it back, and recommend its passage.

KLOTZ,  
SIMPSON,  
TINNIN.

By Mr. Byrnes:

Mr. SPEAKER: The San Mateo delegation, to whom was referred Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the

Board of Supervisors of San Mateo County to settle certain claims against said county—report the same back, and recommend its passage.

Also, Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County—report the same back, and recommend its passage.

BYRNES, for Delegation.

By Mr. Freeman:

Mr. SPEAKER: The Yolo delegation have had under consideration Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County—report the same back, and recommend its passage.

FREEMAN, for Delegation.

By Mr. Tinnin:

Mr. SPEAKER: The Trinity delegation have had under consideration Assembly Bill No. 89—An Act to provide for the construction and maintenance of tree bridges in the County of Trinity, and to set apart a fund therefor—report it back, and recommend its passage.

TINNIN, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 6th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 47—An Act to repeal section three thousand seven hundred and fifty-seven of the Political Code.

Also, Assembly Bill No. 16—An Act to amend an Act entitled an Act to change the manner of electing Supervisors in the County of Del Norte, and prescribing the method thereof, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 21—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Yuba, approved February third, eighteen hundred and seventy-two.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS.

By Mr. Tinnin:

*Resolved*, That the Committee on Claims be allowed one clerk, to be paid the usual per diem allowed by law.

Referred to Committee on Rules and Employés.

By Mr. Freeman:

*Resolved*, That the Committee on Ways and Means be authorized to employ a clerk, at the per diem allowed by law.

Referred to Committee on Rules and Employés.

By Mr. Thomas:

*Resolved*, That the Committee on Public Buildings and Grounds be and are hereby authorized to employ a clerk, at the same per diem as Copying Clerks, to be paid out of the Contingent Fund.

Referred to Committee on Rules and Employés.

By Mr. Long:

*Resolved*, That a special committee of three be appointed, whose duty it shall be to superintend the rearranging of the members' desks, in accordance with such plans as may occur to them, and will result to the most advantage to all.

Lost.

By Mr. Hill—concurrent resolution relative to coolie labor in this State.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Venable:

WHEREAS, Representations have been made to members of this House and to the public, that hogs arriving by rail from the East are, upon arrival, so diseased as to make them totally unfit for food; therefore,

*Resolved*, That a committee of three be appointed to inquire into the truth of such representations, and report to this House what action, if any, is necessary to abate the nuisance.

Adopted.

By Mr. Barton:

*Resolved*, That the Minute Clerk be authorized to appoint an Assistant, who shall receive the same per diem as is allowed the Minute Clerk, payable out of the appropriation for contingent expenses of the House.

Referred to Committee on Rules and Employés.

By Mr. Tully:

*Resolved*, That the Committee on Counties and County Boundaries are hereby authorized to employ a clerk for said committee, at the usual per diem allowed Committee Clerks, payable out of the Contingent Fund of the Assembly.

Referred to the Committee on Rules and Employés.

Mr. Northcutt had leave to introduce the following resolution:

*Resolved*, That a committee of three be appointed to devise some

means of rearranging the seats of this House, so as they may be in a more compact form, and report to this House.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Escandon—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hammitt—An Act to define the mode of electing members of the Assembly and of representatives of electors therein.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hamill—An Act to authorize the husband or wife, or next of kin of a deceased person, to collect and receive of any savings bank any deposit in such savings bank, when the same does not exceed the sum of five hundred dollars.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Amerman—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tully—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Tinnin—An Act to amend Class Nine and add Class Ten to section three thousand three hundred and eighty-two of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bowers—An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Cowdery—An Act to amend the Political Code, by adding sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, and three thousand two hundred and forty-eight, regulating hours of labor in certain cases.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welch—An Act to amend section eight hundred and ninety-one of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Freidenrich—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Patterson—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, Vallejo, and Benicia, approved March twenty-second, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Giffen—An Act to declare Lillian Arvillia and Carra May Shirland, legal heirs of S. B. Weller.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cowdery—An Act to amend the Penal Code, by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 7—relative to granting pensions to the soldiers of the Mexican War of eighteen hundred and forty-six—seven—eight.

Read third time, and passed.

Senate Joint Resolution No. 12—relative to asking Congress for an appropriation to remove obstructions from navigable rivers of this State.

Read third time, and passed.

Senate Bill No. 47—An Act to provide for the building of a school house in Modesto School District, County of Stanislaus, State of California.

Read third time, and passed.

Senate Bill No. 68—An Act to repeal an Act concerning roads and highways in the County of Stanislaus, approved March tenth, eighteen hundred and sixty-six.

Read third time, and passed.

Assembly Bill No. 35—An Act to repeal section three thousand three hundred and eighty-five of Article II of the Political Code, relative to animals kept for propagation.

Ordered engrossed.

Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

Ordered engrossed.

Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte.

Mr. Vandall moved to refer the bill to the Judiciary Committee, upon which the ayes and noes were demanded by Messrs. Murphy, Welch, and Fahey, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Bradley, Burt, Carter, Hill, Knox, Roush, Vandall, and Wickware—9.

NOES—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Byers, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Crossler, Davis, Escandon, Fahey, Franck, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Higbie, Howe, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Venable, Welch, Williams, Winchell, Wright, and Mr. Speaker—66.

The bill was ordered engrossed.

Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Ordered engrossed.

[Speaker pro tem. in the chair.]

Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Ordered engrossed.

Assembly Concurrent Resolution No. 13—relative to the establishment of a daily mail route from Redding, via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Center, Carr's Ranch, New York House, Callahan's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka.

Ordered engrossed.

[Speaker in the chair.]

Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Ordered engrossed.

The House took up for consideration the resolution this day reported from the Committee on Claims, relative to the payment of the claim of L. Callisch for services as Porter of the Assembly in eighteen hundred and seventy-one and eighteen hundred and seventy-two.

The resolution was indefinitely postponed.

The Speaker presented the second biennial report of the San Francisco Park Commissioners.

The reading of the report was dispensed with, and referred to the San Francisco delegation.

Mr. Cowdery moved to take up for consideration the resolution providing for the printing of nine hundred and sixty copies of an Act to amend the Code of Civil Procedure.

Upon which the ayes and noes were demanded by Messrs. Norton, Northcutt, and Summers, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Byers, Byrnes, Clark, Coggins, Cowdery, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Higbie, Hurlburt, Ingham, Kercheval, Klotz, McBride, McCallum, Meyers, Parker, Patterson, Peck, Rogers, Russell, Simpers, Snyder, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—39.

**NOES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Cressler, Davis, Franck, Giffen, Gurnett, Hamill, Hay, Hill, Howe, Knox, Long, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Paulsell, Pelham, Pishon, Rea, Roush, Simpson, Stowers, Summers, Swift, Tinnin, Vandall, and Wright—38.

Pending consideration of the resolution, the hour of twelve o'clock M. having arrived, the Speaker declared a recess until one o'clock P. M.

#### REASSEMBLED.

At one o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called, and a quorum present.



## LEAVE OF ABSENCE.

Leave of absence was granted for the balance of the day to Mr. Miller.

The House resumed consideration of the resolution to print nine hundred and sixty copies of an Act to amend the Code of Civil Procedure.

Upon the adoption of the resolution the ayes and noes were demanded by Messrs. Norton, Vandall, and Northcutt, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bowers, Bradley, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Fahey, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McCallum, Meyers, Parker, Paulsell, Peek, Rogers, Russell, Simpers, Snyder, Thomas, Venable, Welch, Wickware, Williams, and Winchell—39.

**NOES**—Messrs. Aldrich, Barton, Bryan, Burt, Byers, Escandon, Franck, Freeman, Freidenrich, Giffen, Gurnett, Hamill, Hay, Higbie, Hill, Long, McBride, Morgan, Murphy, Northcutt, Northup, Norton, Patterson, Pelham, Pishon, Rea, Roush, Simpson, Stowers, Summers, Swift, Tinnin, Tully, Vandall, Wright, and Mr. Speaker—36.

## RESOLUTION.

By Mr. Stowers:

*Resolved*, That the Journal Clerk be and is hereby allowed an assistant, at the usual per diem allowed Journal Clerks by law, payable out of the appropriation for contingent expenses of the House.

Referred to the Committee on Rules and Employés.

## COMMITTEES.

The Speaker announced the appointment of the following committees, in pursuance to resolutions this day adopted:

On the resolution concerning arrangement of seats—Messrs. Northcutt, Bryan, and Simpson.

On the resolution concerning diseased hogs—Messrs. Venable, Gilmore of Calaveras, and Klotz.

## SENATE MESSAGES.

The House took up for consideration the following messages from the Senate:

SENATE CHAMBER,  
January 7th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventh day of January, A. D. eighteen hundred and seventy-four, passed the following resolution: Senate Joint Resolution No. 24—relative to a Joint Assembly to elect Trustees for the State Library.

J. B. CHINN, Assistant Secretary.

SENATE CHAMBER,  
January 7th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on Tuesday, the sixth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 71—An Act to authorize the Governor of the State of California to pay the expenses of and to offer a reward for the arrest of the bandit Vasquez and his associates, for the murder of Davidson, Redford, and others, in Monterey County, August twenty-sixth, eighteen hundred and seventy-three, and for various robberies since committed in the County of Fresno.

Also, adopted Senate Joint Resolution No. 20—relative to an appropriation by Congress for the removal of the wreck of the ship *Patrician*, and the rock known as "The Noonday Rock," near the entrance to the harbor of San Francisco.

SHACKLEFORD, Secretary.

Senate Joint Resolution No. 24, above reported, read and adopted.

Senate Bill No. 71, above reported, read first and second times, and referred to the Committee on Ways and Means, with instructions to report to-morrow.

Senate Joint Resolution No. 20, above reported, read first and second times, and referred to the Committee on Federal Relations.

At one o'clock and fifty minutes P. M., on motion of Mr. Hay, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, January 8th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California—report it back, with an amendment, and recommend its passage as amended.

WILLIAMS, Chairman.

By Mr. Burt:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred the petition of C. E. Dean, and others, asking that the San Diego and Arizona Mining Company be allowed to change their principal place of business from San Diego, California, to St. Louis, Missouri—have had the same under consideration, and recommend that the prayer of the petitioners be granted.

BURT, Chairman.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty—have considered the same, and report the same back, with an amendment, and recommend its passage as amended.

Also, have under consideration Assembly Bill No. 38—and ask further time to report.

KERCHEVAL, Chairman.

By Mr. Meyers:

Mr. SPEAKER: Your Committee on Rules and Employés, to whom was referred Assembly resolutions, to wit: Allowing a clerk each to the Journal Clerk, Minute Clerk, Committee on Ways and Means, Committee on Claims, Committee on Counties and County Boundaries, and to the Committee on Public Buildings and Grounds—beg leave to submit the following report:

That an assistant be allowed the Journal Clerk, and one to the Minute Clerk, during the remainder of the present month; also, that the Committee on Ways and Means, and Committee on Claims, be each allowed a clerk; also, that the Committee on Public Buildings and Grounds be authorized to employ one while actively engaged in investigating our public buildings and grounds. Your committee have failed to discover any necessity for a clerk for the Committee on Counties and County Boundaries, and recommend that the resolution relative thereto do not pass. We send up amendments to resolutions for Minute Clerk, and Committee on Public Buildings and Grounds, recommend their adoption, and the passage of the resolutions as amended.

MEYERS, for Committee.

*Resolved*, That the Minute Clerk be authorized to appoint an assistant during the balance of the present month, who shall receive the same per diem as is allowed the Minute Clerk, payable out of the appropriation for contingent expenses of the House.

Adopted.

*Resolved*, That the Committee on Ways and Means be authorized to employ a clerk, at the per diem allowed by law.

Adopted.

*Resolved*, That the Journal Clerk be and is hereby allowed an assist-

ant, at the usual per diem allowed Journal Clerks by law, payable out of the appropriation for contingent expenses of the House.

Adopted.

*Resolved*, That the Committee on Claims be allowed one clerk, to be paid the usual per diem allowed by law.

Adopted.

*Resolved*, That the Committee on Public Buildings and Grounds be and they are hereby authorized to employ a clerk, at the per diem allowed by law, to be paid out of the Contingent Fund of the Assembly; *provided*, that the committee be allowed such clerk only during the time they are actually engaged in investigating our public buildings and grounds, and no longer.

Adopted.

*Resolved*, That the Committee on Counties and County Boundaries are hereby authorized to employ a clerk for said committee, at the usual per diem allowed Committee Clerks, payable out of the Contingent Fund of the Assembly.

Lost.

By Mr. Rogers:

MR. SPEAKER: Your Committee on Rules and Employés, to whom was referred a resolution instructing said committee to inquire and report what disposition had been made of an original resolution referring the first biennial message of Governor Booth to the several committees and special committees of this House, beg leave to report as follows: That the said original resolution was introduced on the eighth day of December, eighteen hundred and seventy-three, and was duly referred to a special committee, consisting of Messrs. Paulsell, Cowdery, and Swift; that on the ninth day of December, eighteen hundred and seventy-three, said committee reported back said resolution with an amendment, which report was, on the same day, on motion of Mr. Tinnin, adopted, together with the original resolution.

Your committee further report that the Journal fails to show that said report and resolution were adopted. Your committee would, therefore, recommend that the Journal of the ninth day of December, eighteen hundred and seventy-three, be amended by adding immediately after the record of said report (there being sufficient space in the Journal therefor) the following: "On motion of Mr. Tinnin, the report and resolution were adopted."

Your committee would further report that the original resolution and report of said special committee, as reported back, are now at the Clerk's desk, the same having been accidentally mislaid.

ROGERS, for Committee.

Adopted.

By Mr. Patterson:

MR. SPEAKER: The Committee on Public Morals, to whom was referred

Assembly Bill No. 82—asking for the passage of an Act to change the name of Wilton Hoar to that of Wilton Niles—recommend, unanimously, that it do not pass.

PATTERSON, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 8—relative to lands granted to the Stockton and Copperopolis Railroad—beg leave to report that they have examined the same, and report the same back, with the recommendation that it do pass.

Also, that they have examined Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River—and beg leave to report the same back, and recommend its passage.

FRANCK, Chairman.

By Mr. Murphy:

Mr. SPEAKER: The Del Norte delegation, to whom was referred Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax, and create a redemption fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy—report the same back and recommend its passage.

MURPHY, for Delegation.

By Mr. Northcutt:

Mr. SPEAKER: The committee appointed to rearrange the seats of this room, beg leave to report that we have performed that duty, and present to you our work for inspection. We further state, that if we have made any change that is not agreeable to any member, the offense has been unintentional. We will willingly make any other change that the House may approve, or change any members, if permission is granted us.

W. H. NORTHCUTT,  
WM. E. BRYAN,  
JOHN SIMPSON.

By Mr. Welch:

Mr. SPEAKER: The Lake and Napa delegation, to whom was referred Joint Resolution No. 9, beg leave to report the same back, and recommend its passage.

WELCH, for Delegation.

#### NOTICES.

By Mr. Snyder, of an Act to provide for the construction of wagon roads within the limits and between the Yosemite and Mariposa Big Tree Parks.

By Mr. Dixon, of a bill to fund the road debt of Sonoma County.

#### RESOLUTIONS.

By Mr. Bradley:

*Resolved*, That the Sergeant-at-Arms of the Assembly be authorized

and instructed to procure, for the use of the enrolling and engrossing departments, one Webster's Unabridged Dictionary, to be paid for out of the Contingent Fund of the Assembly.

Referred to Committee on Rules and Employés.

By Mr. Howe:

*Resolved*, That the Committee on Public Buildings and Grounds be requested to visit the State University at their earliest convenience, and examine the management of the same, in order to report the necessary legislation.

Lost.

By Mr. Wright:

*Resolved*, That the Copying Clerks be authorized to employ two Assistant Copying Clerks, at the same per diem as Copying Clerks, to be paid out of the Contingent Fund of the Assembly.

Referred to Committee on Rules and Employés.

By Mr. Welch:

WHEREAS, Charges of fraud and corruption have been made by certain newspapers in connection with the erection of certain of the State University buildings; and whereas, the Committee on Public Buildings and Grounds will probably be called upon to investigate said charges; therefore,

*Resolved*, That said committee be authorized to send for persons and papers, to administer oaths, and to employ a competent phonographic reporter, if necessary, for the purposes of said investigation, instead of a clerk.

Referred to Committee on Rules and Employés.

By Mr. Davis:

*Resolved*, That the use of the Assembly Chamber be granted, Friday evening, January sixteenth, eighteen hundred and seventy-four, to Professor Hiatt, of Modesto, Stanislaus County, to deliver a lecture in favor of compulsory education.

Lost.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Terrill—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Freidenrich—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Pelham—An Act for the protection of game in Nevada County.

Read first and second times, and referred to the Nevada delegation.

By Mr. Tinnin—An Act to extend the Statute of Limitations of this State, by amending sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine, and adding section three hundred and forty-eight to the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Amerman—An Act to amend section three thousand three hundred and thirty-seven of the Political Code, so as to exempt officers and members of unpaid fire companies from the payment of road and poll tax.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Thomas—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

By Mr. Bowers—An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, Free and Accepted Masons, for cemetery purposes.

Read first and second times, and referred to the Committee on Public Lands.

Also, by the same—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Pelham—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Read first and second times, and referred to the Nevada delegation.

#### GENERAL FILE.

Senate Bill No. 3—An Act to repeal an Act entitled an Act to authorize the Board of Supervisors of San Mateo County to settle certain claims against said county, approved April first, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 7—An Act defining the legal distances from the county seat of Ventura County to Sacramento, Stockton, and San Quentin.

Read third time, and passed.

Senate Bill No. 11—An Act to repeal an Act entitled an Act for the establishment, maintenance, and protection of public and private roads in Merced County, approved March thirteenth, eighteen hundred and sixty-six.

Read third time, and passed.

Senate Bill No. 12—An Act to provide for the appointment of additional Notaries Public in the Counties of Fresno, Tulare, and Humboldt.

Read third time, and passed.

Senate Joint Resolution No. 13—to restore lands granted to the Folsom and Placerville Railroad and Telegraph Company to the public domain.

Read third time, and passed.

Senate Bill No. 28—An Act to repeal the special road laws of San Mateo County.

Read third time, and passed.

Senate Bill No. 48—An Act to authorize the transfer to the General Fund of the money in the Soldiers' Bounty Fund, the Soldiers' Relief Fund, the Line Officers' Fund, and the Hospital Fund.

Read third time, and passed.

Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Ordered engrossed.

#### REPORT.

Mr. Freeman had leave to make the following report:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration Senate Bill No. 71—An Act to authorize the Governor of the State of California to pay the expenses of and to offer a reward for the arrest of the bandit Vasquez and his associates—report the same back, and recommend its passage.

FREEMAN, Chairman.

On motion of Mr. Freeman, the rules were suspended for the consideration of Senate Bill No. 71, above reported.

On motion of Mr. Bowers, the House went into Committee of the Whole, for the consideration of Senate Bill No. 71.

[Mr. Bowers in the chair.]

The bill was read by sections, and on motion of Mr. Parker, the committee arose, reported it to the House, and recommended its passage.

#### IN ASSEMBLY.

[The Speaker in the chair.]

Senate Bill No. 71, reported from the Committee of the Whole, was read third time, and passed.

#### GENERAL FILE RESUMED.

Assembly Bill No. 50—An Act to amend section eight hundred and ninety-two of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 51—An Act to amend section one thousand five hundred and nineteen of the Penal Code.

Indefinitely postponed.

Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Ordered engrossed.

Assembly Bill No. 71—An Act to amend an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April fourth, A. D. eighteen hundred and sixty-four.

Ordered engrossed.

Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor.

Ordered engrossed.



Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Ordered engrossed.

Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Ordered engrossed.

Senate Bill No. 103—An Act to prevent hogs and goats funning at large in the Town of Davisville, Yolo County.

Rules suspended, bill considered engrossed, read third time, and passed.

#### REPORT.

By Mr. Meyers:

Mr. SPEAKER: Your Committee on Rules and Employés, to whom was referred a resolution authorizing the Committee on Public Buildings and Grounds to employ a phonographic reporter, instead of a clerk, for the purposes of an investigation in relation to the State University buildings—have had the same under consideration, and recommend that said resolution do pass.

MEYERS, Chairman.

*Resolved*, That said committee be authorized to send for persons and papers, to administer oaths, and to employ a competent phonographic reporter, at a cost not exceeding the sum of ten dollars per day for each day actually engaged in reporting testimony, and the same amount for each day employed in transcribing testimony, instead of employing a clerk.

Adopted.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Ferguson, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, January 9th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Bowers—Petition from citizens of San Diego County, asking that the collection of taxes be postponed in said county.

Referred to the Committee on Ways and Means.

By Mr. Meyers—Memorial of the California State Grange and Mechanics' Deliberative Assembly.

Referred to the Committee on Education, and four hundred and eighty copies ordered printed.

By Mr. Terrill—Memorial from the Mechanics' State Council, in reference to State Prison convict labor.

Referred to the State Prison Committee.

#### REPORTS.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly resolution, instructing the Sergeant-at-Arms to procure one copy of Webster's Unabridged Dictionary, for the use of the Enrolling and Engrossing Clerks—have considered and amended the same, and recommend the passage of the resolution as amended.

MEYERS, Chairman.

*Resolved*, That the Sergeant-at-Arms of the Assembly be authorized and instructed to provide for the use of the enrolling and engrossing departments, one Webster's Unabridged Dictionary, to be paid for out of the Contingent Fund of the Assembly, and that the Sergeant-at-Arms be required to turn the same over to the State Library at the end of the session.

Adopted.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 14—relative to the suppression of coolie labor—beg leave to report that they have examined the same, and report the same back, with the recommendation that it do pass.

FRANCK, Chairman.

#### RESOLUTION.

Mr. Bradley had leave to introduce the following resolution:

*Resolved*, That the Engrossing Clerk be authorized to insert the enacting clause and sectionize Assembly Bill No. 65—An Act to amend the Penal Code by adding a new section, to be known as section four hundred.

Adopted.

#### REPORT.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 42—An Act to provide for the location, construction, and maintenance of public roads in Lake County.

Also, Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino and the Board of Trustees of the Town of San Bernardino.

Also, Assembly Bill No. 64—An Act for the relief of Round Valley School District, Inyo County.

Also, Assembly Bill No. 65—An Act to amend the Penal Code, by adding a new section, to be known as section four hundred.

BRADLEY, Chairman.

By Mr. Giffen:

Mr. SPEAKER: The Nevada delegation, to whom was referred Assembly Bill No. 119—An Act for the protection of game in Nevada County—respectfully report the same back, and recommend its passage.

We have also considered Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County—report the same back, and recommend its passage.

GIFFEN, for Delegation.

By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 30—An Act to amend an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, fees of Court, and its officers, approved March tenth, eighteen hundred and sixty-six—respectfully report that we have examined the same, report it back, and recommend that it do not pass.

GURNETT,  
AMERMAN.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation beg leave to make the following report:

Assembly Bill No. 91—An Act to authorize the closing of certain streets in the City and County of San Francisco—has been considered in delegation, and they now report it back with amendments, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—and now report the same back, and recommend its passage.

SWIFT, for Committee.

#### RESOLUTIONS.

By Mr. Long:

*Resolved*, That the Committee on State Prison be and are hereby authorized and empowered to send for persons and papers, and to administer oaths, when in their judgment the furtherance of their investigation may be secured thereby.

*Resolved*, That said committee be allowed a clerk, at the usual per diem.

Referred to the Committee on Rules and Employés.

By Mr. Ferguson—Assembly concurrent resolution, relative to survey of public lands in California.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Amerman:

*Resolved*, That Assembly Bill No. 121, which was, on January eighth, eighteen hundred and seventy-four, referred to Committee on Ways and Means, be now referred to the Judiciary Committee.

Adopted.

By Mr. Ferguson—Concurrent resolution, relative to amending public land laws.

Read first and second times, and referred to the Committee on Public Lands.

#### SENATE MESSAGE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 8th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventh day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

I am also directed to inform your honorable body, at the request of the Governor, of the receipt, by the Senate, of the second biennial report of the San Francisco Park Commissioners.

Also, on the sixth day of January, eighteen hundred and seventy-four, passed Senate Concurrent Resolution No. 22—approving the appointment of General Crook as Brigadier General.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 33, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate Concurrent Resolution No. 22, above reported, read first and second times, and referred to the Committee on Federal Relations.

#### NOTICES.

By Mr. Hamill, of a bill to provide suitable employment for the prisoners confined in the County Jail of the City and County of San Francisco.

By Mr. Giffen, of a bill entitled an Act to amend section two hundred and sixty-eight of the Political Code.

#### INTRODUCTION OF BILL.

By Mr. Williams—An Act to amend the Civil Code of the State of California.

Read first and second times, and referred to the Judiciary Committee.

## RESOLUTIONS.

Mr. Williams had leave to introduce the following resolution:

*Resolved*, That nine hundred and sixty extra copies of an Act to amend the Civil Code, be printed.

Referred to the Committee on Printing.

By Mr. Williams:

*Resolved*, That the Clerk be instructed not to deliver to the Printer a copy of the Act to amend the Civil Code, until further ordered by this House.

Adopted.

## BILLS.

By Mr. Williams—Proposed amendments to the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Northcutt—An Act for the relief of Richard Palmer.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Welch—An Act to amend sections one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-five, one hundred and thirty-six, and one hundred and thirty-nine of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

## GENERAL FILE.

Senate Joint Resolution No. 9—relative to the establishment of a tri-weekly mail route from the Town of Middletown, in Lake County, via Glenbrook, to Uncle Sam. in same county, State of California.

Read third time, and passed.

Assembly Concurrent Resolution No. 8—relative to lands granted to Stockton and Copperopolis Railroad.

Ordered engrossed.

Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River.

Ordered engrossed.

Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California.

On motion of Mr. Terrill, the House went into Committee of the Whole for the consideration of Assembly Bill No. 27.

The bill considered in Committee of Whole, when, on motion of Mr. Rogers, the committee arose, reported the bill back, and recommended its engrossment.

## IN ASSEMBLY.

[Speaker in the chair.]

The amendments reported by the Committee of the Whole to Assembly Bill No. 27, adopted, and bill ordered engrossed.

Assembly Bill No. 82—An Act to change the name of Milton Hoar to the name of Milton Niles.

Referred to the Nevada delegation.

Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

The amendment reported by the Committee on Swamp and Overflowed Lands adopted, and bill ordered engrossed.

Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

Ordered engrossed.

#### INTRODUCTION OF BILL.

Mr. Gilmore of El Dorado, had leave to introduce the following bill:

An Act to amend sections three thousand eight hundred and thirty-nine, three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and forty-six, three thousand eight hundred and forty-seven, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-seven, three thousand eight hundred and fifty-eight, and three thousand eight hundred and fifty-nine, and the repeal of section three thousand eight hundred and sixty, of Chapter IX, of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

#### RESOLUTION.

By Mr. Amerman:

*Resolved*, That Senate Concurrent Resolution No. 22, relative to the appointment of General Crook, and which was referred to the Committee on Federal Relations, be now taken up, read a third time, and put upon its final passage.

The Speaker ruled the resolution out of order, for the reason that the joint resolution having been read for the first time before the House this day, it could not, under Rule Seven of the Standing Rules of the House, be considered this day.

Mr. Amerman appealed from the decision of the Chair.

Subsequently, Mr. Amerman withdrew his appeal, and the whole subject was referred to the Judiciary Committee.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced the following Committee on Apportionment of the State: Messrs. Swift, Norton, Tinnin, Cowdery, Amerman, Hay, Gray, Barton, McCallum, Bowers, Paulsell, Gilmore of El Dorado, and Carter.

At eleven o'clock and forty minutes A. M., on motion of Mr. Summers, the House took a recess until eleven o'clock and fifty-five minutes A. M.

#### REASSEMBLED.

The House reassembled at eleven o'clock and fifty-five minutes A. M. Speaker in the chair.

Roll called, and a quorum present.

On motion of Mr. Williams, the rule providing for a daily recess from twelve o'clock M. until one o'clock P. M., was suspended for one day.

#### IN JOINT ASSEMBLY.

At twelve o'clock M., the Senate and Assembly met in Joint Assembly, for the purpose of electing five Trustees of the State Library for the term commencing on the twenty-eighth day of February, eighteen hundred and seventy-four, and ending on the twenty-seventh day of February, eighteen hundred and seventy-eight.

The President of the Senate and the Speaker of the House presiding.

The Secretary of the Senate called the roll of the Senate, and the following Senators responded:

Messrs. Andross, Bartlett, Beck, Boggs, Bush, Crane, DeHaven, Duffy, Dyer, Eakin, Edgerton, Evans, Farley, Finney, Fraser, Gibbons, Goodale, Graves, Hendricks, Hopkins, Irwin, Kent, Keys, Laine, Lindsey, Martin, McCoy, McCune, McKusick, McMurry, Neff, O'Connor, Pendegast, Perkins, Roach, Spencer, Turner, and Tuttle.

The Chief Clerk of the Assembly called the roll of the Assembly, and the following members were present:

Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Harlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker.

#### ELECTION FOR TRUSTEES.

Mr. Farley nominated J. W. Armstrong, E. B. Mott, Jr., J. J. Green, F. W. Hatch, and Jo Hamilton.

Mr. Finney nominated John L. Love, Wm. R. Cluness, W. C. Belcher, Creed Haymond, and M. F. Johnson.

Mr. Tully nominated James L. English, John K. Alexander, Thomas J. Clunie, S. C. Denson, and Ham C. Harrison.

Mr. Snyder presented a communication, as follows:

SACRAMENTO, January 9, 1874.

*To the Joint Convention for the election of Trustees of the State Library:*

GENTLEMEN: We respectfully withdraw our names, as candidates





	M. F. Johnson ....	Credel Haymond...	W. C. Bulcher ....	W. R. Clunness....	J. L. Love .....	Jo Hamilton. ....	F. W. Hatch.....	J. J. Green.....	E. B. Mott, Jr ...	J. W. Armstrong.
Pendegast.....	.....	.....	.....	.....	.....	1	1	1	1	1
Perkins.....	.....	1	1	.....	1	.....	.....	.....	1	1
Roach.....	.....	.....	.....	.....	.....	1	1	1	1	1
Spencer.....	.....	.....	1	.....	.....	.....	1	1	1	1
Turner.....	1	.....	1	1	1	.....	.....	1	.....	.....
Tuttle.....	.....	.....	.....	.....	.....	1	1	1	1	1

The Chief Clerk of the House called the roll of the Assembly, and the following members pronounced the names of the persons for whom they voted, as follows:

	Johnson .....	Haymond...	Bulcher. ....	Clunness .....	Love .....	Hamilton.....	Hatch .....	Green .....	Mott .....	Armstrong ..
Ables.....	.....	1	1	1	.....	.....	.....	1	1	.....
Aldrich .....	.....	1	1	1	1	.....	.....	.....	1	.....
Amerman .....	.....	.....	.....	.....	.....	1	1	1	1	1
Barton.....	.....	.....	.....	.....	.....	1	1	.....	.....	.....
Bowers.....	.....	.....	.....	.....	.....	1	1	1	1	.....
Bradley.....	.....	1	1	.....	1	.....	.....	1	1	.....
Bryan.....	1	1	.....	.....	.....	1	.....	1	1	.....
Burt .....	.....	1	1	1	.....	1	.....	.....	1	.....
Byers .....	1	1	1	1	1	.....	.....	.....	.....	.....
Byrnes .....	.....	1	.....	1	1	1	.....	1	.....	.....
Canfield.....	1	1	1	1	1	.....	.....	.....	.....	.....
Carter .....	.....	.....	1	.....	.....	1	.....	1	1	.....
Chandler .....	.....	1	1	.....	1	.....	1	1	.....	.....
Clark.....	.....	.....	.....	.....	.....	1	1	1	1	.....
Coggins.....	.....	.....	.....	.....	.....	1	1	1	1	.....
Cowdery....	.....	1	.....	.....	.....	1	1	.....	1	.....
Cressler.....	.....	1	.....	.....	.....	1	1	1	1	.....
Davis.....	.....	.....	.....	.....	.....	1	1	1	1	.....
Dixon .....	.....	.....	.....	.....	.....	1	1	1	1	.....
Escandon.....	.....	.....	.....	.....	.....	1	1	1	1	.....
Fahey .....	.....	.....	.....	.....	.....	1	1	1	1	.....
Franck .....	.....	1	1	.....	1	.....	.....	1	1	.....
Freeman .....	.....	1	.....	.....	.....	.....	1	1	1	.....
Freidenrich .....	.....	.....	.....	.....	1	1	1	.....	1	.....
Ferguson .....	.....	.....	.....	.....	.....	1	1	1	1	.....
Giffen .....	.....	.....	.....	.....	.....	1	1	1	1	.....
Gilmore of Calaveras..	.....	.....	.....	1	.....	1	1	1	.....	.....

	Armstrong	Mott .....	Green.....	Hatch .....	Hamilton.....	Love .....	Cliness.....	Belcher. ....	Haymond....	Johnson .....
Gilmore of El Dorado.	1	1	1	.....	1	.....	.....	.....	1	.....
Gray .....	.....	.....	1	.....	.....	1	1	1	1	.....
Gurnett.....	.....	.....	1	1	.....	1	.....	1	1	.....
Hamill.....	1	.....	1	.....	1	1	.....	.....	1	.....
Hammitt.....	.....	.....	.....	.....	.....	1	1	1	1	1
Hay .....	1	1	.....	.....	1	1	.....	.....	1	.....
Heald .....	.....	.....	.....	.....	.....	1	1	1	1	1
Higbie.....	1	1	1	1	1	.....	.....	.....	.....	.....
Hill .....	1	.....	1	1	1	.....	.....	.....	1	.....
Howe.....	1	.....	1	1	1	.....	1	.....	.....	.....
Hurlburt.....	.....	.....	1	.....	.....	1	1	1	1	.....
Ingham.....	1	1	1	1	1	.....	.....	.....	.....	.....
Kercheval .....	.....	.....	.....	.....	.....	1	1	1	1	1
Klotz .....	1	1	1	1	.....	.....	.....	.....	1	.....
Knox .....	.....	1	.....	1	.....	1	.....	1	1	.....
Long .....	1	1	1	1	1	.....	.....	.....	.....	.....
McBride.....	.....	1	1	1	1	.....	.....	.....	1	.....
McCallum .....	1	1	1	1	1	.....	.....	.....	.....	.....
Meyers.....	1	1	.....	.....	.....	1	.....	1	1	.....
Miller .....	.....	.....	1	.....	.....	1	1	1	1	.....
Morgan .....	.....	.....	.....	.....	.....	1	1	1	1	1
Murphy.....	1	.....	1	1	1	.....	.....	.....	.....	1
Northcutt.....	1	1	1	1	1	.....	.....	.....	.....	.....
Northup.....	1	1	1	1	1	.....	.....	.....	.....	.....
Norton .....	1	1	1	1	1	.....	.....	.....	.....	.....
Parker .....	.....	1	.....	1	1	.....	1	.....	1	.....
Patterson .....	.....	1	.....	1	1	.....	.....	.....	.....	.....
Paulsell.. ..	1	1	.....	1	1	.....	.....	.....	1	.....
Peek .....	1	1	1	1	1	.....	.....	.....	.....	.....
Pelham .....	1	1	1	1	1	.....	.....	.....	.....	.....
Pishon.....	.....	.....	.....	.....	.....	1	1	1	1	1
Rea .....	.....	.....	.....	.....	.....	1	1	1	1	1
Rogers .....	1	1	1	.....	1	1	.....	.....	.....	.....
Roush .....	1	1	1	1	1	.....	.....	.....	.....	.....
Russell.....	.....	1	.....	1	1	.....	.....	.....	.....	1
Simpers.. ..	1	1	1	1	1	.....	.....	.....	.....	.....
Simpson .....	.....	1	1	.....	.....	1	1	.....	1	.....
Snyder .....	1	1	1	1	1	.....	.....	.....	.....	.....
Stowers.....	1	1	1	1	1	.....	.....	.....	.....	.....
Summers.....	1	1	1	1	1	.....	.....	.....	.....	.....
Swift.....	.....	1	1	.....	.....	1	1	.....	1	.....
Terrill.....	.....	1	.....	.....	.....	1	1	1	.....	1
Tinnin .....	1	1	1	1	1	.....	.....	.....	.....	.....
Thomas.....	1	1	1	1	.....	.....	.....	1	.....	.....
Tully .....	1	.....	1	1	1	.....	.....	.....	1	.....
Vandall.....	.....	1	.....	.....	.....	1	1	1	1	.....
Venable.....	1	1	1	1	1	.....	.....	.....	.....	.....
Welch .....	1	1	.....	1	1	.....	1	.....	.....	.....

	Armstrong ..	Mott .....	Green .....	Hatch.....	Hamilton....	Love .....	Cluness.....	Belcher .....	Haymond....	Johnson .....
Wickware .....	.....	1	.....	.....	.....	1	1	1	1	.....
Williams .....	1	1	1	1	1	.....	.....	.....	.....	.....
Winchell.....	.....	.....	1	.....	.....	1	1	1	1	.....
Wright.....	1	1	1	1	1	.....	.....	.....	.....	.....
Mr. Speaker.....	1	1	.....	.....	.....	1	1	.....	1	.....

Whole number of votes cast.....	119
Necessary to a choice.....	60
J. W. Armstrong received.....	77
E. B. Mott, Jr., received.....	91
J. J. Green received.....	86
F. W. Hatch received.....	75
Jo Hamilton received.....	75
J. L. Love received.....	40
W. R. Cluness received.....	34
W. C. Belcher received.....	37
Creed Haymond received.....	48
M. F. Johnson received.....	17
Frank Powell received.....	2
Wm. B. C. Brown received.....	1

J. W. Armstrong, E. B. Mott, Jr., J. J. Green, F. W. Hatch, and Jo Hamilton, having received a majority of all the votes cast, were declared duly elected Trustees for the ensuing term of four years.

The Journals of the Joint Assembly were approved, and, on motion of Mr. Edgerton, the Joint Assembly adjourned *sine die*.

#### IN ASSEMBLY.

[Speaker in the chair.]

At one o'clock P. M., on motion of Mr. Coggins, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, January 10th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.  
[Speaker pro tem. in the chair.]

# PETITION.

By Mr. Rogers—petition from Trustees of the California State Woman's Hospital.

Referred to the Committee on Ways and Means.

# REPORTS.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 25—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, and Kern.

BRADLEY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 111—An Act to amend the Political Code by adding sections thirty-two hundred and forty-six, thirty-two hundred and forty-seven, and thirty-two hundred and forty-eight, regulating hours of labor in certain cases—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 18—An Act to repeal section three hundred of the Penal Code of the State of California—and report it back without recommendation.

WILLIAMS, Chairman.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred the resolution empowering the Committee on State Prison to employ a clerk, have had the same under consideration, and report it back, with the recommendation that it do not pass. We find that the Committee on State Prison are not nearly unanimous in the request, and that it is not known that there will be any occasion to examine witnesses, or to send for persons and papers. There are members on the State Prison Committee whose education and professional pursuits qualify them fully as well to do the ordinary clerking of the committee as any one whose services could be hired for the purpose, and who will cheerfully perform the duty.

MEYERS, Chairman.

*Resolved*, That the Committee on State Prison be and they are hereby authorized and empowered to send for persons and papers, and to ad-

minister oaths, when in their judgment the furtherance of their investigations may be secured thereby.

*Resolved*, That said committee be allowed a clerk, at the usual per diem.

Lost.

[Speaker in the chair.]

By Mr. Swift:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees—have had the same under consideration, and do hereby report it back, with the recommendation that it pass.

SWIFT, Chairman.

By Mr. Vandall:

Mr. SPEAKER: Your Committee on Public Printing, to whom was referred Resolution No. 126—providing for printing nine hundred and sixty copies of an Act to amend the Civil Code—report the same back to the House without recommendation.

B. C. VANDALL, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 22—approving the appointment of Gen. George Crook as Brigadier General—beg leave to report that they have carefully considered the said resolution, and report the same back, and recommend its passage.

F. C. FRANCK, Chairman.

On motion of Mr. Williams, Assembly Bill No. 45 was ordered printed as amended by the Judiciary Committee.

By Mr. Thomas:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 122—entitled an Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz—would respectfully report that they have had the same under consideration, and recommend its passage.

THOMAS, for Delegation.

By Mr. Welch:

Mr. SPEAKER: We, the undersigned, members of the Special Committee to report as to who is the proper custodian of the minutes of this House from which the Journal is written up, beg leave to report that we have had the same under consideration, and find that said minutes are the property of this House, and that the law points out the Assistant Clerks as the proper custodian of the same. We further find that it is the duty of the Assistant Clerks of the Assembly, at the close of the session of the Assembly, to deliver these minutes, properly labeled and arranged, to the Secretary of State, to be by him filed among the archives of the State, which we are informed by the Secretary of State

has not heretofore been the custom. Your committee have therefore prepared, and propose presenting at the proper time, a bill to remedy this difficulty.

S. K. WELCH,  
CHAS. C. TERRILL.

By Mr. Parker:

Mr. SPEAKER: The minority of your committee, to whom was referred the resolution relative to the minutes of the House, beg leave to submit that, in the judgment of your committee, there exists no good reasons or law—and such course most certainly has no precedent—for placing the rough minutes of the proceedings of the House in the hands of any officer, except the one who made them.

It is further evident to your minority that, since this resolution, in an essentially different shape, emanated from and in the handwriting of one of the Assistant Clerks, that the simple custody thereof is the great object sought to be attained, and that simple motives of economy cut but little figure in the origination of this movement.

In accordance with the above, your minority of said committee respectfully submits a substitute resolution.

J. E. PARKER.

*Resolved*, That the Minute Clerk be and is hereby instructed to safely keep in some desk or compartment, to be provided him by the Sergeant-at-Arms, the rough minutes, as made by said Clerk from day to day, the same to be subject to the disposition of the House at the close of the session.

[Speaker pro tem. in the chair]

Referred to Judiciary Committee, with instructions to draft a bill regulating the matter.

[Speaker in the chair.]

#### RESOLUTION.

By Mr. Northcutt—Resolution granting the right and power to the Committee on the State Prison to send for witnesses and papers, when, in their judgment, it seems necessary to aid them in their investigation or report of matters belonging to the State Prison, and, if necessary, to employ a phonographic reporter, at a per diem of not to exceed ten dollars, for taking and transcribing testimony.

Mr. Tully moved to strike out that portion relative to employing a phonographic reporter.

Lost.

The resolution was adopted.

#### REPORTS.

By Mr. Terrill:

Mr. SPEAKER: Your committee appointed to investigate the acts and affairs of the City Hall Commission of San Francisco beg leave to report that they have incurred the following items of expense in the course of their investigation, to wit: Stationery, etc., eight dollars and fifteen cents; room rent, twenty dollars; services of Sergeant-at-Arms, eleven days, fifty-five dollars.

CHARLES C. TERRILL, Chairman.

Referred to the Committee on Public Expenditures and Accounts.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined, and find correctly enrolled, Assembly Concurrent Resolution No. 6—relative to mail route from Happy Camp, Del Norte County, to Orleans Bar, in Klamath County, and that the same was, this tenth day of January, A. D. eighteen hundred and seventy-four, at ten o'clock and forty minutes A. M., delivered to the Governor.

HAY, Chairman.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee, to which was referred the question of the true construction of sections seven and sixty-eight of the Standing Rules of this House, and especially as to its right to suspend the operations of said section seven, by general or unanimous consent, beg leave to submit the following report:

That they find nothing in the organic law of the State limiting the power of the House as to the stages through which a bill must pass in the process of being enacted into a law; that there being no constitutional provision upon this point, the House possesses the fullest and most complete power over its own proceedings; that the traditional customs and rules of the Parliament of England, as modified to conform to the changed circumstances, conditions, and necessities of this country, constitute the common parliamentary law of this State, and that, where not changed, these laws bind this House.

We find it to be a rule of this House, set forth in section seven, that the third reading of a bill must be upon a day subsequent to its introduction and the first two readings. We also find that section sixty-eight contains the only provision in the Standing Rules of the House for their suspension; that said section only shows what rules may be suspended by a vote of two thirds of the members present. And further, that section sixty-eight provides that section seven shall not be suspended by such vote. There being no provision in the Standing Rules for the suspension of section seven, such authority must be sought for in the general parliamentary law of the country, to be found in the works of the best writers upon that science. From these we learn that:

"Though it is essential to the regularity of proceeding that a legislative Assembly should possess rules and orders for its government, and that every member should have the right to insist upon their observance, yet a member may waive his right, and the Assembly itself, on a proper occasion, may dispense with its own rules. And hence, that it is an established practice in all our legislative Assemblies to do any matter or to take any course of proceeding which is contrary to the rules, provided that it is done by general consent—that is, no member interposing an objection." (Cushing's Manual, Sec. 794.)

Upon these grounds, your committee report that a bill may be read a third time and pass the House upon the same day with its introduction and first reading, by the unanimous consent of all the members.

Of the policy of permitting such a proceeding as the temporary suspension of Rule Number Seven, this committee can only suggest that it is a matter for each member to determine according to his own judgment and conscience; that any and all of them have the right to arrest

it, by interposing an objection, and that it is their duty to do so, in a proper case; that no member can or ought to shield himself from the blame of pernicious and injurious legislation behind a simple rule of the House, for no rule can ever stand in place of that constant vigilance and watchfulness that the people have the right to expect from every one of their representatives.

WILLIAMS, Chairman.

By Mr. Vandall:

*Resolved*, That the committee for the investigation of the State Prison be requested to especially investigate as to the employment of convict labor, and as to what disposition is made of the proceeds of said convict labor.

Adopted.

By Mr. Kercheval—Concurrent resolution instructing our Senators and Representatives in Congress to oppose the passage of Senate Bills Nos. 17 and 23, now pending in the United States Senate.

Read first and second times, and referred to the Committee on Public Lands.

#### LEAVE OF ABSENCE.

Indefinite leave of absence was granted the Committee on Public Buildings and Grounds.

#### RESOLUTIONS.

By Mr. Coggins:

*Resolved by the Assembly, the Senate concurring*, That a committee of three from the Senate and four from the Assembly be appointed to consider and report upon the necessity and policy of calling a Convention to revise the State Constitution.

Adopted.

By Mr. Long:

WHEREAS, The bill that will be placed before the Apportionment Committee is one of vital importance to the entire people of the State; therefore, be it

*Resolved*, That the Speaker of this House be and he is hereby authorized to appoint two additional members to the Committee on Apportionment.

Adopted.

By Mr. Amerman:

*Resolved*, That Hon. D. C. Gilman, President of the State University, be and is hereby invited to address the members of the Legislature, at his earliest convenience, upon the practical workings of the State University.

*Resolved*, That the Speaker of this House be requested to forward a copy of the above resolution to President Gilman.

Mr. Northcutt offered the following as a substitute:

*Resolved*, That the use of the Assembly chamber be extended to Pro-



fessor Gilman on any evening that it is not needed for legislative purposes.

Lost.

The original resolution was adopted.

#### LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the State Prison Committee.

#### NOTICE.

By Mr. Kercheval, of an Act to repeal an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

On motion of Mr. Williams, the time for taking a recess was continued until half-past twelve o'clock M.

At eleven o'clock and fifty five minutes A. M., Mr. Norton moved to adjourn until Monday next, at half-past two o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Williams, Coggins, and McCallum.

The roll was called, with the following result:

AYES—Messrs. Carter, Dixon, Escandon, Fabey, Giffen, Gilmore of El Dorado, Gurnett, Hamill, Hay, Heald, Howe, Northcutt, Norton, Snyder, Stowers, Swift, Thomas, Tully, Welch, and Mr. Speaker—21.

NOES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradloy, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Hammitt, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Summers, Tinnin, Vandall, Venable, Wickware, Williams, Winchell, and Wright—58.

#### RESOLUTION.

By Mr. Burt:

*Resolved*, That the Enrolling Clerk, Engrossing Clerk, and Copying Clerks of this House are each required to keep a book, in which they shall enter the number of each bill, and number of folios contained therein, when the same shall come into their possession, and that such books shall be at all times open to the inspection of the Committee on Rules and Employés; and whenever any resolution of this House, asking for additional clerical assistance for either of said clerks, shall be referred to said committee, they shall ascertain what is a fair average of the number of folios required to be written daily by such clerks and assistants; also the number of assistants already employed. Such information to be reported to the House with the resolution.

Referred to Committee on Rules and Employés.

## NOTICES.

By Mr. Paulsell, of an Act to more clearly define the boundary line between the Counties of San Joaquin, on the west, and Amador, Calaveras, and Stanislaus, on the east.

Also, of an Act to more clearly define a portion of the boundary line between the Counties of Sacramento and San Joaquin.

By Mr. Bradley, of an Act to provide for the protection of lands from overflow in the County of Yuba.

By Mr. Tully, of an Act for the relief of James P. Sargent.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Canfield—An Act entitled an Act to provide for funding the indebtedness of Kern County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCallum—An Act to repeal an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects the County of Mendocino.

Read first and second times, and referred to the Mendocino, Klamath, Humboldt, and Del Norte delegations.

By Mr. Giffen—An Act to amend section two hundred and sixty-eight of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCallum—An Act amendatory of an Act entitled an Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Read first and second times, and referred to the Napa and Mendocino delegations.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 9th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth instant, passed Senate Bill No. 75—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

Also, on the seventh instant, passed Senate Bill No. 88—An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March, eighteen hundred and seventy.

Also, passed Substitute for Senate Joint Resolution No. 4—An Act to promote the interests of agriculture.

Also, adopted Senate Joint Resolution No. 26—requesting the Governor to return Senate Bill No. 23, for correction of clerical error (in original draft of the bill).

Also, amended by a substitute and passed Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Board of Super-

visors of the several counties of the State to aid in the construction of railroads in their respective counties.

T. J. SHACKLEFORD,  
Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 75, above reported, read first and second times, and referred to the Committee on Public Morals.

Senate Bill No. 88, above reported, read first and second times, and referred to the Siskiyou delegation.

Substitute for Senate Joint Resolution No. 4, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate Joint Resolution No. 26, above reported, read first and second times, and adopted.

Assembly Bill No. 4, above reported, substitute as reported by the Senate adopted, read a third time, and passed.

#### REPORT.

A report was made as follows:

By Mr. Murphy:

MR. SPEAKER: The Committee on Public Expenditures and Accounts, to whom was referred the report of the Special Committee on the San Francisco City Hall Investigation, in regard to the expense incurred by the said committee, report the same back, and recommend the payment of the said expenditures.

MURPHY, Chairman.

#### RESOLUTIONS.

*Resolved*, That the Controller of State is hereby authorized and required to draw his warrant for the sum of eighty-three dollars and fifteen cents, out of the Contingent Fund of the Assembly, in favor of C. C. Terrill, Chairman of the Special Committee on City Hall Investigation, for expenses incurred in said investigation.

Adopted.

By Mr. Clark:

*Resolved*, That when this House adjourns, it be until half past two o'clock, Monday, January twelfth.

Adopted.

By Mr. Pelham:

Resolution relative to the salary of President of the United States, Senators, and Representatives.

Read first and second times, and referred to the Committee on Federal Relations.

On motion of Mr. Williams, the House took up for consideration the following resolution:

*Resolved*, That nine hundred and sixty extra copies of an Act to amend the Civil Code be printed.

Adopted.

At twelve o'clock and twenty eight minutes P. M., on motion of Mr. Gray, the time for recess was further continued until one o'clock P. M.

On motion of Mr. Amerman, the House took up for consideration Senate Concurrent Resolution No. 22—approving the appointment of General George Crook as Brigadier General.

Upon the passage of the resolution the ayes and noes were demanded by Messrs. Amerman, Snyder, and Ables, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Cantfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—76.

NOES—None.

On motion of Mr. Terrill, the report of the Mechanics' State Council was ordered printed.

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. Coggins, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, January 12th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday, January tenth, read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Hurlburt, Freeman, and Morgan, for one day.

## APPOINTMENT OF COMMITTEE.

The Speaker announced as additional members of the Committee on Apportionment, Messrs. Ferguson and Wickware.

The Speaker presented a report of the California Prison Commission, which was referred to the Committee on Ways and Means.

#### PETITIONS.

By Mr. Cressler—petition from residents of the eastern portion of Siskiyou County, asking for the formation of a new county.

Referred to the Committee on Counties and County Boundaries.

By Mr. Aldrich—petition from the California Woman Suffrage Association.

Laid on the table.

By Mr. Tully—petition from citizens of Monterey County, for the formation of a new county.

Referred to the Committee on Counties and County Boundaries.

By Mr. Coggins—petition relative to the establishment of a Branch State Prison at Folsom, California.

Referred to the Committee on State Prison.

#### REPORTS.

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to which was referred Assembly Concurrent Resolution No. 17—instructing our Senators and Representatives in Congress to approve the passage of Senate Bills Nos. 17 and 23, relating to public lands—beg leave to report that they have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, Chairman.

By Mr. Tinnin:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of *The People of the State of California vs. Horace Smith*, beg leave to report that they have carefully examined the same, and report the same back, with the recommendation that it do pass.

Your committee would also report that they have had under consideration, Assembly Bill No. 63—An Act for the relief of William Pyburn—and respectfully report the same back, with an amendment, and recommend the passage of the bill as amended.

TINNIN, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 75—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane—beg leave to report that they have had the bill under consideration, and they now report the same back to the House, and recommend, unanimously, its passage.

PATTERSON, Chairman.

By Mr. Burt:

MR. SPEAKER: The Committee on Mines and Mining Interests have had Assembly Bill No. 124 under consideration, and report the same back, recommending its passage.

BURT, Chairman.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation have had under consideration Assembly Bill No. 22—An Act concerning commercial travelers, and providing a license—and report the same back, with amendments, and recommend its passage as amended.

ALDRICH, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined, and find correctly engrossed, Assembly Bill No. 70—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

Also, Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte

Also, Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Also, Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

BRADLEY, Chairman.

By Mr. Miller:

Mr. SPEAKER: The Committee on Mileage, to whom was referred Assembly Bill No. 31—An Act to amend a certain section of Volume I of the Political Code—have considered the same, beg leave to report it back, and recommend its passage.

MILLER, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 20—relative to an appropriation by Congress for the removal of the wreck of the ship "Patrician," and the rock known as the "Noonday Rock," near the entrance to the harbor of San Francisco—beg leave to report that they have carefully considered the same, and hereby report the same back, with the recommendation that it do pass.

FRANCK, Chairman.

By Mr. Cressler:

Mr. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 88—An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy—report the same back, and recommend its passage.

J. W. McBRIDE,  
WM. T. CRESSLER,  
Delegation.

By Mr. McCallum:

Mr. SPEAKER: The Mendocino, Humboldt, Klamath, and Del Norte delegation, to whom was referred Assembly Bill No. 133—relative to repealing an Act granting aid to the construction of telegraph lines in said counties—beg leave to report the same back with an amendment, and recommend that it do pass.

Amend by striking out the words, "so far as the same applies to or affects Mendocino County."

McCALLUM, Chairman.

By Mr. McCallum:

Mr. SPEAKER: The Mendocino and Napa delegation, to whom was referred Assembly Bill No. 132, beg leave to report the same back, and recommend its passage.

D. W. McCALLUM, Chairman.

#### RESOLUTIONS.

Resolutions were offered, as follows:

By Mr. Rogers:

*Resolved*, That the Sergeant-at Arms is hereby directed to deliver two hundred printed copies of Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—and two hundred printed copies of Assembly Bill No. 126—An Act to amend the Civil Code—to the San Francisco delegation, for distribution to the members of the bar, and others, in the City and County of San Francisco.

Adopted.

By Mr. Bowers—Concurrent resolution relative to asking Congress for an appropriation for changing the channel of San Diego River.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Aldrich—Concurrent resolution relative to the rights, privileges, and disabilities of women.

Read and adopted.

By Mr. Tinnin:

*Resolved*, That the statement of the California State Woman's Hospital be returned by the Committee on Claims, and referred to the Committee on Ways and Means.

Adopted.

By Mr. Bowers:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to furnish each State officer with one copy of each bill printed during this session of the Legislature.

Adopted.

By Mr. Bradley:

*Resolved*, That the Committee on Agriculture be requested and allowed to withdraw Assembly Bill No. 35 from the hands of the Engrossing Clerk, for the purpose of expressing more clearly the intention and meaning of the substitute offered for said bill by such committee, which has been adopted by the Assembly.

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 12th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighth instant, passed Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare.

Also, this day, passed Senate Joint Resolution No. 27—authorizing the Enrolling Clerk of the Senate to correct an error in Senate Bill No. 28.

Also, on the tenth instant, passed Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code.

Also, passed Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court.

Also, passed Senate Bill No. 69—An Act to provide for the redemption of outstanding bonds of Butte County.

Also, passed Senate Bill No. 38—An Act to amend an Act entitled an Act to establish a Political Code.

Also, passed Assembly Concurrent Resolution No. 2—relative to a breakwater at Crescent City, Del Norte County, State of California.

LRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 63, above reported, read first and second times, and referred to the Tulare delegation.

Senate Joint Resolution No. 27, above reported, read first and second times, and adopted.

Senate Bill No. 6, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 46, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 69, above reported, read first and second times, and referred to the Butte County delegation.

Senate Bill No. 39, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCallum—An Act to define the Senatorial and Assembly districts of this State, and to apportion the representation thereof.



Read first and second times, and referred to the Committee on Apportionment.

By Mr. Bryan—Assembly Concurrent Resolution, asking Congressional relief for A. B. Gilbert.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Freidenrich—An Act to amend the Political Code of the State of California.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to amend the Civil Code of the State of California

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

Also, an Act to amend section four hundred and ninety-six of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ferguson—An Act applying certain sections of the Political Code to the County of Fresno.

Read first and second times, and referred to the Committee on Roads and Highways.

#### GENERAL FILE.

Assembly Bill No. 49—An Act to amend section two thousand six hundred and forty-five of the Political Code.

Withdrawn by the author.

Assembly Bill No. 42—An Act to provide for the location, construction, and maintenance of public roads in Lake County.

Read third time, and passed.

Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino and the Board of Trustees of the Town of San Bernardino.

Read third time, and passed.

Assembly Bill No. 65—An Act to amend the Penal Code, by adding a new section, to be known as section four hundred.

Read third time, and passed.

Senate Concurrent Resolution No. 14—To indorse the action of our Representatives in Congress relative to the employment of coolie labor.

Read third time, and passed.

Assembly Bill No. 25—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Tulare, Fresno, Kern, Santa Barbara, and Ventura.

Mr. Paulsell moved to strike out section nine.

The Speaker ruled that the motion was out of order, for the reason that the bill having been engrossed, and being now upon its final passage, the only way the section could be struck out was by motion to refer the bill, with special instructions to amend by striking out.

Mr. Williams appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Speaker stand as the judgment of the House?" the ayes and noes were demanded by Messrs. Hill, Coggins, and Paulsell, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hay, Heald, Hill, Howe, Ingham, Kercheval, Klotz, Knox, McCallum, Meyers, Miller, Murphy, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Snyder, Stowers, Summers, Swift, Tinnin, Tully, Venable, Wickware, Williams, Winchell, and Wright—60.

**NOES**—None.

Mr. Paulsell moved to recommit the bill to the Committee on Agriculture, with instructions to strike out section nine, and to report the same back to-morrow.

Lost.

The bill was read the third time and passed, title amended, and the amendment adopted.

At four o'clock and thirty-five minutes P. M., Mr. Amerman moved to adjourn.

Lost.

Assembly Bill No. 30—An Act to amend an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, fees of Court, and its officers, approved March tenth, eighteen hundred and sixty-six.

Withdrawn by the author.

Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Ordered engrossed.

Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Pending the consideration of the bill, at four o'clock and fifty-three minutes P. M., on motion of Mr. Swift, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, January 13th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Dixon for one day.

Mr. Gilmore of El Dorado was, at his own request, relieved from further serving as a member of the Committee on Claims.

Mr. Stowers was, at his own request, relieved from further serving as a member of the Committee on Ways and Means.

## PETITION.

By Mr. Bowers—Petition from members of San Diego Lodge No. 35, F. and A. M., relative to granting certain lands for cemetery purposes.

Referred to the Committee on Public Lands.

## REPORTS.

Reports were submitted, as follows:

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly resolution requiring the Enrolling Clerk, the Engrossing Clerk, and the Copying Clerks of this House to keep a book, in which they shall enter the number of each bill, and the number of folios contained therein, etc., have had the same under consideration, and beg leave to report it back, recommending its passage.

SAMUEL MEYERS, Chairman.

The resolution was adopted.

By Mr. Clark:

Mr. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 69—An Act to provide for the redemption of outstanding bonds of Butte County—have had the same under consideration, and beg leave to report it back, with the recommendation that it do pass.

CLARK, for Delegation.

## RESOLUTIONS.

Resolutions were submitted, as follows:

By Mr. Bowers:

*Resolved*, That the resolution passed yesterday, directing the Sergeant-at-Arms to furnish each State officer with a copy of each bill printed, shall be held to apply only to the Governor, State Librarian, Secretary of State, Judges of Supreme Court, Attorney General, Controller, and Surveyor General, and to the first two named six copies each.

Lost.

Mr. Meyers offered the following substitute:

*Resolved*, That the resolution of this House, requiring the Sergeant-at-

Arms to furnish each State officer with copies of all bills printed, be and is hereby rescinded.

The substitute was adopted.  
By Mr. Swift:

*Resolved*, That the San Francisco delegation be allowed to employ a clerk, whenever, in their judgment, they shall deem it necessary, at such compensation as they may agree upon, not exceeding five dollars per day.

Referred to the Committee on Rules and Employés.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Snyder—An Act to provide for the construction of wagon roads within the limits and between the Yosemite and Mariposa Big Tree Parks.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Freeman—An Act to create the Twenty-first Judicial District, and for other purposes.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

Read a third time, and passed.

Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

Passed on file.

Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Passed on file.

Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte.

Passed on file.

Senate Joint Resolution No. 20—preamble and resolutions relative to an appropriation by Congress for the removal of the wreck of the ship "Patrician," and the rock known as the "Noonday Rock," near the entrance to the harbor of San Francisco.

Read third time, and passed.

Senate Bill No. 75—An Act to prohibit the sale of intoxicating liquors within a certain distance of the Napa State Asylum for the Insane.

Read third time, and passed.

Senate Bill No. 88—An Act to amend an Act entitled an Act relating to the Yreka School District, in Siskiyou County, approved March eighteenth, eighteen hundred and seventy.

Read third time, and passed.

Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Ordered engrossed.

Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Ordered engrossed.

Assembly Bill No. 18—An Act to repeal section three hundred of the Penal Code of the State of California.

Referred to the Committee on Public Morals.

Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura and approving certain ordinances and proceedings of the Town Trustees.

Ordered engrossed.

Assembly Bill No. 111—An Act to amend the Political Code by adding sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, and three thousand two hundred and forty-eight, regulating hours of labor in certain cases.

Recommitted to the Judiciary Committee.

Assembly Bill No. 122—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Ordered engrossed.

Assembly Concurrent Resolution No. 17—instructing our Senators and Representatives in Congress to oppose the passage of certain bills pending in the Senate of the United States.

Made the special order for Thursday next, at one o'clock P. M.

Assembly Bill No. 22—An Act concerning commercial travelers, and providing a license.

Amendments reported by the Committee on Commerce and Navigation adopted.

Pending consideration of the bill, the hour of twelve o'clock M. having arrived, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

Speaker in the chair.

Roll called, and a quorum present.

Indefinite leave of absence was granted Mr. Bryan.

#### GENERAL FILE RESUMED.

House resumed consideration of Assembly Bill No. 22—An Act concerning commercial travelers, and providing a license.

Referred to the Judiciary Committee.

Assembly Bill No. 31—An Act to amend a certain section of volume one of the Political Code.

Ordered engrossed.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. Horace Smith.

On motion of Mr. Howe, the House went into Committee of the Whole for consideration of the above bill.

[Mr. Howe in the chair.]

Mr. Burt moved that the committee rise and report the bill back, with the recommendation that the enacting clause be stricken out.

Mr. Tinnin moved to amend by reporting the bill back, and recommending its passage.

Lost.

The original motion prevailed.

#### IN ASSEMBLY.

[Speaker in the chair.]

Upon the question, "Will the House adopt the recommendation of the Committee of the Whole?" the ayes and noes were demanded by Messrs. Tinnin, Snyder, and Burt, and the roll was called, with the following result:

**AYES**—Messrs. Aldrich, Bradley, Burt, Carter, Chandler, Clark, Davis, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Hay, Heald, Hill, Hurlburt, Kercheval, Knox, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Stowers, Summers, Swift, and Winchell—30.

**NOES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Cressler, Fahey, Giffen, Gilmore of El Dorado, Hammitt, Howe, Ingham, Klotz, McCallum, Murphy, Northup, Peek, Pelham, Rogers, Roush, Simpers, Snyder, Tinnin, Tully, Vandall, Venable, Wickware, Williams, Wright, and Mr. Speaker—29.

#### REPORT.

By Mr. Bradley:

**MR. SPEAKER:** The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Concurrent Resolution No. 13—relative to the establishment of a daily mail route from Redding, via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Centre, Carr's Ranch, New York House, Callahan's Ranch, McBride's Ranch, Etua Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka.

Also, Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Also, Assembly Bill No. 71—An Act to amend an Act fixing the time of holding the County Court and the Probate Court in the County of Calaveras, approved April fourth, A. D. eighteen hundred and sixty-four.

Also, Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a Fund therefor.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and

sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Passed on file.

Assembly Bill No. 63—An Act for the relief of William Pyburn.

Passed on file, and ordered printed.

Mr. Freidenrich gave notice that he would, on to-morrow, move to reconsider the vote by which the House struck out the enacting clause of Assembly Bill No. 33.

Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri.

Referred to the Judiciary Committee.

Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Ordered engrossed.

Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects the County of Mendocino.

Amendment reported by the delegation was adopted, title amended, and the bill ordered engrossed.

#### PETITION.

The Speaker presented a petition from the managers of the Ladies' Protection Society, of San Francisco.

Referred to the Committee on Ways and Means.

#### GENERAL FILE RESUMED.

On motion of Mr. Murphy, the House took up for consideration, bills, as follows:

Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

Read third time, and passed.

Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Read third time, and passed.

Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte, approved March thirty-first, eighteen hundred and sixty-six.

Read third time, and passed.

#### INTRODUCTION OF BILLS.

Mr. Freeman had leave to introduce the following bill—An Act to amend the Political Code respecting the assessment and collection of taxes.

Read first and second times, and referred to the Committee on Ways and Means.

Mr. Tully had leave to introduce the following bill—An Act for the relief of James P. Sargent, assignee of James W. Davis.

Read first and second times, and referred to the Committee on Ways and Means.

At two o'clock and fifty-five minutes P. M., on motion of Mr. Snyder, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, January 14th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Jesse T. Peck, D. D.

Journal of yesterday read and approved.

### PETITION.

By Mr. Paulsell—Petition from citizens of San Joaquin County asking the passage of a local option law.

Referred to the Committee on Public Morals.

### REPORTS.

Reports were submitted, as follows:

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Also, Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

Also, Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Also, Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Also, Assembly Concurrent Resolution No. 8—relative to lands granted the Stockton and Copperopolis Railroad.

Also, Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River.

Also, Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Also, Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Also, Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the



Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

Also, Substitute for Assembly Bill No. 35—An Act to amend section thirty-three hundred and eighty-five of the Political Code.

BRADLEY, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 68—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara—beg leave to report that they have carefully examined the same, and find that Sheriff Adams has expended the sum of one thousand eight hundred and twenty-one dollars, in pursuit of Vasquez and his gang, and one thousand four hundred and seventy dollars and sixty cents, in pursuit of other criminals, for which he has not been reimbursed, and report the same back, without recommendation.

TINNIN, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County—beg leave to report that they have carefully examined the same, and find that Sheriff Rowland has expended the sum of one thousand and ninety six dollars and sixty two cents, in pursuit of Vasquez, and for other purposes, and for which he has not been reimbursed, and report the same back, without recommendation.

TINNIN, Chairman.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 23, beg leave to report that they have considered the same, and report it back with a substitute, and recommend the passage of the substitute.

KERCHEVAL, Chairman.

#### RESOLUTION.

By Mr. Patterson:

*Resolved*, That a committee of three be appointed from this House, whose duty shall be to investigate and examine into all wants and applications for appropriations of moneys for charitable or benevolent institutions; said committee to have power to examine books, papers, witnesses, and premises, whenever and wherever they may deem it admissible so to do.

Laid on the table.

#### COMMUNICATION.

Mr. Swift presented the following communication:

*Hon. M. M. ESTEE, Speaker, etc.:*

It will give me great pleasure to comply with the invitation of the Assembly, and I will hold myself in readiness to respond to any appoint-

ment of which you may inform me by mail or telegraph. I have no choice as to the day, but as various committees of the Legislature are expected here this week to view the University buildings, it may be thought better that I should go next week rather than this.

I am, dear sir, yours, with high respect,

D. C. GILMAN,  
Pres't University of California.

OAKLAND, January 12th, 1874.

Mr. Tinnin offered the following resolution:

*Resolved*, That Professor Gilman be tendered the use of the Assembly Chamber, to address the members of the Legislature, on Monday, January twenty-sixth, eighteen hundred and seventy-four, at seven o'clock P. M.

Adopted.

#### REPORT.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, having had under consideration Assembly Bill No. 2—An Act concerning railroad companies within the State of California—and having agreed upon several amendments to the bill, now report the same back, with such amendments, to the House, and recommend that the bill, as amended, do pass.

SWIFT, Chairman.

#### SPECIAL ORDER.

On motion of Mr. Swift, Assembly Bill No. 2, above reported, was made the special order for Tuesday next, at one o'clock P. M.

#### RESOLUTION.

By Mr. Gray:

*Resolved*, That two hundred and forty copies of Assembly Bill No. 2, with the amendments made by the Committee on Corporations, be ordered printed.

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 13th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth instant, passed Senate Bill No. 61—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code.

Also, passed Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code.

Also, passed Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of the City of San Diego.

Also, passed Assembly Concurrent Resolution No. 18—relative to appointing a Joint Committee to take into consideration and report upon the necessity for a Convention to revise the State Constitution.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 61, above reported, was read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 67, above reported, was read first and second times, and referred to the Judiciary Committee.

Substitute for Senate Bill No. 23, above reported, was read first and second times, and referred to the Judiciary Committee.

#### NOTICE.

By Mr. Murphy, of a bill to abolish the death penalty for treason and murder.

#### INTRODUCTION OF BILLS.

Bills were introduced, as follows:

By Mr. Ferguson—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Read first and second times, and referred to the Judiciary Committee.

Mr. Freeman had leave to withdraw Assembly Bill No. 142—An Act to create the Twenty-first Judicial District, and for other purposes.

By Mr. Freeman—An Act to create the Twenty-first Judicial District, and for other purposes.

Read first and second times, and referred to the Judiciary Committee.

#### REPORT.

By Mr. Aldrich:

Mr. SPEAKER: The San Francisco delegation have had under consideration Assembly Bill No. 75, and report the same back with amendments, and recommend its passage as amended.

ALDRICH, for Delegation.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Read a third time, and passed.

Assembly Concurrent Resolution No. 13—relative to the establishment of a daily mail route from Redding, via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Center, Carr's Ranch, New York House, Callaghan's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka.

Read a third time, and passed.

Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Read a third time, and passed.

Assembly Bill No. 71—An Act to amend an Act fixing the time of holding the County Court and Probate Court in the County of Calaveras, approved April fourth, A. D. eighteen hundred and sixty-four.

Read a third time, and passed.

Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor.

Read a third time, and passed.

Senate Bill No. 69—An Act to provide for the redemption of outstanding bonds of Butte County.

Read a third time, and passed.

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Ordered to head of the File for to-morrow.

#### REPORT.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Public Printing have had under consideration Assembly Bill No. 2—concerning railroad companies within the State of California—beg leave to report back the same, and recommend that it be printed as amended.

B. C. VANDALL,  
Chairman.

The report was adopted.

On motion of Mr. Howe, the House took up for consideration Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Read a third time, and passed.

#### RECONSIDERATION.

Pursuant to notice, Mr. Freidenrich moved to reconsider the vote by which the House, on yesterday, struck out the enacting clause of Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of *The People of the State of California v. Horace Smith*.

Mr. Burt moved to indefinitely postpone the motion to reconsider, upon which the ayes and noes were demanded by Messrs. Norton, Burt, and Snyder.

The roll was called, with the following result:

AYES—Messrs. Bradley, Burt, Canfield, Carter, Chandler, Clark, Davis, Franck, Freeman, Freidenrich, Gray, Heald, Hill, Hurlburt, Kercheval, Knox, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Stowers, and Winchell—27.

**NOES**—Messrs. Aldrich, Amerman, Bowers, Byrnes, Cressler, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Howe, Ingham, Klotz, McCallum, Murphy, Northup, Peek, Pelham, Rogers, Roush, Simpers, Snyder, Summers, Tinnin, Tully, Vandall, Venable, Wickware, Williams, and Mr. Speaker—33.

The motion to reconsider prevailed, and upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Bradley, Norton, and Burt.

The roll was called, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Canfield, Cressler, Escandon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Howe, Ingham, Klotz, McCallum, Murphy, Northup, Peek, Pelham, Rogers, Roush, Simpers, Snyder, Summers, Tinnin, Tully, Vandall, Venable, Wickware, Williams, and Mr. Speaker—34.

**NOES**—Messrs. Bradley, Burt, Carter, Chandler, Clark, Davis, Freeman, Freidenrich, Gray, Heald, Hill, Hurlburt, Kercheval, Knox, Meyers, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Stowers, and Winchell—25.

#### APPOINTMENT OF COMMITTEES.

The Speaker announced the following appointments on committees:

To fill the vacancy in the Committee on Claims, Mr. Stowers.

To fill vacancy in the Committee on Ways and Means, Mr. Gilmore of El Dorado.

Committee on calling a Convention to revise the State Constitution, Messrs. Coggins, Rogers, Gurnett, and Giffen.

Mr. Freeman had leave to amend the title of Assembly Bill No. 2 so as to read as follows—An Act to regulate fares and freights on railroads in the State of California.

#### REPORTS.

Reports were made as follows:

By Mr. Williams:

**MR. SPEAKER:** The Committee on Judiciary have considered Assembly Bill No. 120—An Act to extend the Statute of Limitations of this State by amending sections three hundred and thirty-six, three hundred and thirty seven, three hundred and thirty-nine, and adding section three hundred and forty-eight to the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 115—An Act to declare Lilian Arvilia and Carrie May Shirland legal heirs of S. B. Weller—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 55—An Act to amend sections three thousand seven hundred and eighty and three thousand seven hundred and eighty-

five of an Act entitled an Act to establish a Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 113—An Act to amend section one thousand three hundred and sixty five of the Code of Civil Procedure—report it back, and recommend its passage.

Also, Assembly Bill No. 130—An Act to amend sections three thousand eight hundred and thirty-nine, three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and forty-six, three thousand eight hundred and forty-seven, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-seven, three thousand eight hundred and fifty-eight, three thousand eight hundred and fifty-nine, and the repeal of section three thousand eight hundred and sixty, of Chapter IX, of the Political Code—report it back, and recommend that it be referred to the Committee on Ways and Means.

Also, Assembly Bill No. 109—An Act to amend class nine and add class ten to section three thousand three hundred and eighty-two of the Political Code—report it back, and recommend that it be referred to the Committee on Ways and Means.

Also, Assembly Bill No. 12—An Act to insert in the Penal Code of this State sections ninety and ninety-one, providing a punishment for giving to or the use of free passes by officers—and recommend its reference to Committee on Corporations.

Also, Substitute for Senate Bill No. 38—An Act to provide for the appointment of additional Notaries Public in some of the counties of this State—report it back and recommend its passage.

WILLIAMS, Chairman.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Senate Substitute for Assembly Bill No. 4—An Act to repeal an Act entitled an Act to empower the Boards of Supervisors of the several counties of the State to aid in the construction of railroads in their respective counties;

Also, Assembly Concurrent Resolution No. 2—relative to a break-water at Crescent City, Del Norte County, State of California;

And that the same were, this fourteenth day of January, A. D. eighteen hundred and seventy-four, at eleven o'clock A. M., delivered to the Governor.

ALEX. HAY, Chairman.

At eleven o'clock and fifty-eight minutes A. M., on motion of Mr. Bowers, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, January 15th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Indefinite leave of absence was granted Messrs. Clark and Hurlburt.

## FURTHER TIME GRANTED TO COMMITTEES.

Ten days further time was granted the Committee on Ways and Means, in which to report Assembly Bill No. 1.

Fifteen days further time was granted the Judiciary Committee, in which to report Assembly Bills Nos. 3, 11, 15, 34, 36, 37, 39, and 41.

Fifteen days further time to the Committee on Corporations, to report Assembly Bill No. 9.

Fifteen days further time to the Committee on Public Buildings and Grounds, to report Assembly Bill No. 32.

Fifteen days further time to the Committee on Swamp and Overflowed Lands, to report Assembly Bill No. 38.

## REFERRED.

Assembly Bill No. 12 was referred to Committee on Corporations.

Assembly Bills Nos. 109 and 130, to the Committee on Ways and Means, at request of Judiciary Committee.

## REPORTS.

Reports were made as follows:

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 31—An Act to amend a certain section of volume one of the Political Code.

Also, Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Also, Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Also, Assembly Bill No. 104—An Act to incorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

Also, Assembly Bill No. 122—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Also, Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino, approved April fourth, A. D. eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Also, Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties.

Also, Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of the People of the State of California vs. Horace Smith.

Also, Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California.

Also, Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

BRADLEY, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes—and report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Tully:

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 108—An Act to create the County of San Benito and provide for its organization—have had the same under consideration, and beg leave to submit the following report:

In this matter of creating new counties, two propositions present themselves for consideration: First, are the people of the proposed new county able to take upon themselves the responsibilities of a new county government? and, second, would the county or counties from which the proposed new county is taken be injured or affected to a degree that would seriously jeopardize their existence or material prosperity as county organizations?

From the data furnished your committee it appears that the present County of Monterey, from which the proposed new County of San Benito is taken, embraces an extent of territory equal to about four thousand five hundred square miles, or about one third more than the State of Rhode Island, with a population of about fifteen thousand; that there is, as appears from an examination of the assessment roll of eighteen hundred and seventy-three, over twelve millions of taxable property in the entire county; that the financial condition of the county is in a prosperous condition; the debt of the county being small, ample provisions for the payment of which have already been made, and which, at the end of the present fiscal year, will cease to exist. About one third of this territory lies east of the Gabilan range of mountains, which traverse the county, from northwest to southeast, almost its entire length, and embraces within its limits about one third of the population and wealth of the entire county—that is to say, about one



thousand five hundred square miles of territory, four and a half millions of taxable property, and about five thousand inhabitants. This will constitute the proposed new county.

Your committee find, by examining the statistics of our State, that there are some twenty-five or more counties in the State that are doing business on less taxable property than that claimed by the people of this proposed new county, and many on less than one half the amount of either wealth or population, and they appear to be in a satisfactory condition financially and otherwise.

The proposed new county will embrace a homogeneous people; one whose interests all tend to one common center, and whose commercial relations with the rest of the State lies all in one and the same direction. As at present situated, they are so completely separated from the west side of the mountains, that all social or commercial intercourse is forever barred—that their political relations are such as to entail upon them many inconveniences and hardships, that, from their very nature, can only be remedied by a dissolution of the political bonds that bind them one to the other, and by the establishment of separate and distinct local governments on the east and west sides of the mountains, respectively. From the evidence and facts adduced before the committee, it appears that the people embraced within the limits of the proposed new county are, at least seven out of every eight, in favor of the creation of the new county, and have, with a unanimity seldom equaled, petitioned the Legislature for a separate county government; and it further appears from a careful examination of petitions, and comparing them with the Great Register of said county, that a majority of the actual voters of the entire County of Monterey have joined in asking the Legislature to divide the county and set off those on the east side in a separate government of their own; and, as a matter of fact, there was no evidence of any kind whatever, of any opposition to the proposed division of the county, from any quarter—not a single objection interposed, nor a remonstrance of any kind presented.

The people of the new county are already taxed to the extent of some seventy-five thousand dollars to support the old or present county government, and, as they believe, derive no commensurate benefit therefrom.

Your committee believe, that with a taxable wealth of four and a half millions, and no public debt, no entangling alliances, and with an industrious, enterprising, and homogeneous people, there can be no doubt of their ability to maintain an economical county government, with a rate of taxation not greater than that now paid to support the present government, as many counties in the State are successfully operating on far less resources. And that the remaining portion of Monterey County, with about eight millions of taxable wealth, and free from debt, ought to be able to maintain its county organization unimpaired and unembarrassed. Certainly it will not be from a want of material wealth, if it does not.

In view, therefore, of the foregoing facts, your committee have arrived at the conclusion that justice to the petitioners, and sound policy, warrant them in recommending, unanimously, the passage of the bill.

TULLY, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations respectfully report that they have considered Assembly Concurrent Resolution No. 20—relative to turning the San Diego River—and recommend its passage.

FRANCK, Chairman.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means, having had under consideration Assembly Bill No. 61—An Act entitled an Act to regulate licenses in this State—report the same back, with the recommendation that it do not pass.

FREEMAN, Chairman.

By Mr. Freeman:

Mr. SPEAKER: The Yolo and Solano delegations have had under consideration Assembly Bill No. 62—An Act to repeal an Act to provide for the protection from overflow by Putah Creek, of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two—report the same back, and recommend its passage.

H. S. FREEMAN,  
J. L. HEALD,  
Delegation.

By Mr. Canfield:

Mr. SPEAKER: The Tulare delegation, to whom was referred Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare—beg leave to report the same back, and recommend its passage.

CANFIELD, for Delegation.

#### RESOLUTIONS.

By Mr. Tinnin:

*Resolved*, That Assembly Bill No. 120 be taken from the File and referred to the Committee on Commerce and Navigation.

Adopted.

By Mr. Summers:

WHEREAS, A portion of the public press have made serious charges against the honor and honesty of undesigned members of the Assembly, in reference to the late Senatorial election; therefore, be it

*Resolved*, That a committee of five be appointed by the Speaker, who shall have power to send for persons and papers, and report the result of the statements made, to this House, at an early day.

Adopted.

By Mr. Amerman:

*Resolved*, That the usual number of copies of Assembly Bill No. 108,

with the accompanying report from the Committee on Counties and County Boundaries, be printed.

Referred to the Committee on Printing.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 14th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirteenth instant, passed Senate Concurrent Resolution No. 28—relative to appointing a clerk for Joint Committee on Hospitals.

Also, passed Senate Bill No. 72—An Act to amend an Act entitled an Act concerning compensation of certain county officers in the County of Los Angeles.

Also, passed Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt and for school purposes.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 28, above reported, was read first and second times, and referred to the Committee on Rules and Employés.

Senate Bill No. 97, above reported, read first and second times, and referred to the Committee on Education.

Senate Bill No. 72, above reported, read first and second times, and referred to the Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Mr. Tully—An Act to incorporate the Town of Castroville, Monterey County, California.

Read first and second times, and referred to the Monterey delegation.

By Mr. Parker—An Act to amend the Political Code in relation to highways.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Amerman—An Act amendatory of and supplementary to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda.

Read first and second times, and referred to the Alameda delegation.

By Mr. Venable—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Murphy—An Act to prohibit the carrying of concealed weapons.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Northup—An Act for the relief of General J. A. Sutter.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Freeman—An Act to create the office of Bank Commissioner and to prescribe his duties and powers.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Amendments, as reported by the Judiciary Committee, adopted, and bill ordered engrossed.

Assembly Concurrent Resolution No. 8—relative to lands granted the Stockton and Copperopolis Railroad.

Read a third time, and passed.

Assembly Concurrent Resolution No. 10—Asking Congressional appropriation to improve the navigation of the San Joaquin River.

Read a third time, and passed.

Substitute for Assembly Bill No. 35—An Act to amend section three thousand three hundred and eighty-five of the Political Code.

Ordered to top of File for Thursday, January twenty-second, eighteen hundred and seventy-four.

Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Read a third time, and passed.

Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Read a third time, and passed.

Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain sums.

Read a third time, and passed.

Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Read a third time, and passed.

Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

Read a third time, and passed.

Substitute for Senate Bill No. 38—An Act to provide for the appointment of additional Notaries Public in some of the counties of the State.

On motion of Mr. Bowers, the House went into Committee of the Whole for the consideration of Assembly Bill No. 68—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara; and

Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

[Speaker in the chair.]

Assembly Bill No. 68 was considered in Committee of the Whole, and amended.

Assembly Bill No. 76 was considered in Committee of the Whole, and amended.

On motion of Mr. Bowers the committee arose, and reported Assembly Bill No. 68 and Assembly Bill No. 76 back to the House, with the recommendation that the bills pass to engrossment.

#### IN ASSEMBLY.

[Speaker in the chair.]

Amendments reported by Committee of the Whole to Assembly Bill No. 68, were concurred in by the House.

Amendments reported by Committee of the Whole to Assembly Bill No. 76, were concurred in by the House.

Upon the engrossment of Assembly Bill No. 68, the ayes and noes were demanded by Messrs. Norton, Bradley, and Freeman, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Byrnes, Canfield, Carter, Chandler, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Hill, Howe, Klotz, Meyers, Morgan, Murphy, Northup, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Snyder, Tinnin, Tully, Vandall, Venable, Wickware, Williams, and Winchell—42.

**NOES**—Messrs. Bradley, Bryan, Burt, Coggins, Freeman, Gray, Kercheval, Knox, McCallum, Miller, Norton, Paulsell, Roush, Simpers, Stowers, Summers, and Swift—17.

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

Assembly Concurrent Resolution No. 17—instructing our Senators and Representatives in Congress to oppose the passage of certain bills pending in the Senate of the United States.

Mr. Williams offered a substitute for the resolution relative to Senate Bill No. 17.

Mr. Murphy moved to refer the whole subject to the Committee on Land Monopoly, upon which the ayes and noes were demanded by Messrs. Coggins, Bryan, and Kercheval, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Carter, Fahey, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Klotz, Murphy, Parker, Peek, and Snyder—12.

**NOES**—Messrs. Aldrich, Bradley, Bryan, Burt, Canfield, Chandler, Coggins, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Giffen, Gray, Hammitt, Hay, Heald, Hill, Howe, Ingham, Kercheval, Knox, McCallum, Meyers, Miller, Morgan, Northup, Norton,

Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Stowers, Summers, Swift, Tinnin, Tully, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—49.

Mr. Bowers offered the following amendment:

*"Provided, if the said bill provides that the lands restored to the public domain shall be open to preemption and homestead settlers only, then we are in favor of its passage."*

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Bowers, Murphy, and Amerman, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bowers, Byrnes, Carter, Fahey, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Howe, Ingham, Klotz, Murphy, Northup, Parker, Peek, Snyder, Summers, and Tully—19.

NOES—Messrs. Aldrich, Bradley, Bryan, Burt, Canfield, Chandler, Coggins, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Giffen, Gray, Hammitt, Heald, Hill, Kercheval, Knox, McCallum, Meyers, Miller, Morgan, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Simpers, Stowers, Swift, Tinnin, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—42.

Upon the adoption of the substitute, as offered by Mr. Williams, the ayes and noes were demanded by Messrs. Gray, Vandall, and Estee, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Bradley, Bryan, Burt, Byrnes, Carter, Chandler, Coggins, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Hammitt, Hay, Heald, Hill, Howe, Ingham, Kercheval, Knox, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Stowers, Swift, Tinnin, Tully, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—51.

NOES—Messrs. Amerman, Bowers, Canfield, Ferguson, Gilmore of Calaveras, Klotz, Parker, Peek, Snyder, and Summers—10.

The substitute was ordered engrossed.

Mr. Murphy gave notice that he would, on to-morrow, move to reconsider the vote by which the House adopted the above Substitute for Assembly Concurrent Resolution No. 17.

[Speaker in the chair.]

#### RESOLUTIONS.

By Mr. Tinnin—Concurrent Resolution relative to Senate Bill No. 23, now pending in the United States Senate.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Coggins—Concurrent Resolution relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations title to any lands, whether agricultural or mineral.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

REPORT.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Public Printing have had under consideration the propriety of printing Assembly Bill No. 108, and report of Committee on Counties and County Boundaries thereon. While this bill is local in its nature, the vast property interest involved, and the numbers of our citizens to be affected thereby, we deem it best that this bill and the report of the committee be printed, and so recommend.

B. C. VANDALL, Chairman.

The report was adopted, and Assembly Bill No. 108, together with the report of the Committee on Counties and County Boundaries, was ordered printed.

GENERAL FILE RESUMED.

Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

Recommitted to the Committee on Claims.

Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude.

Referred to the Committee on Public Morals.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Passed on File.

Senate Bill No. 55—An Act to amend sections thirty-seven hundred and eighty and thirty-seven hundred and eighty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Ordered engrossed.

Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Recommitted to the San Francisco delegation.

Mr. Franck gave notice that he would, on to-morrow, move a reconsideration of the vote by which the House passed Substitute for Senate Bill No. 38.

Assembly Bill No. 113—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

Laid on the table.

Assembly Bill No. 115—An Act to declare Lilian, Arvilia, and Carra May Shirland legal heirs of S. B. Weller.

Indefinitely postponed.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
January 15th, 1874. }

I am directed to inform your honorable body that the Senate, on Wednesday, the fourteenth instant, passed Senate Bill No. 118—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

Also, on the twelfth day of January, passed Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
January 15th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth instant, passed Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 118, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 96—above reported, read first and second times, and referred to the San Joaquin delegation.

Senate Bill No. 37, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 53, above reported, read first and second times, and referred to the Committee on Claims.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Hay, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY.  
Friday, January 16th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.



Prayer by the Chaplain.  
Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Rea—petitions from citizens of various portions of the State asking for the passage of a local option law.  
Referred to the Committee on Public Morals.

#### REPORTS.

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to which was referred Assembly Bill No. 123—entitled an Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, of Free and Accepted Masons, for cemetery purposes—have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, Chairman.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was re-referred Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County—beg leave to report the same back with an amendment, and recommend the passage of the bill as amended.

TINNIN, Chairman.

The delegation from Contra Costa was granted further time to report on Assembly Bill No. 40.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having had under consideration Assembly Bill No. 110—An Act to authorize the County of San Diego to pay off certain funded indebtedness;

Also, a petition from citizens of San Diego County for an increase of the salary of the Assessor of said county,

Also, a petition from citizens of said county that the collection of taxes in said county be postponed;

Report the same back, with the recommendation that they be referred to the San Diego delegation.

FREEMAN, Chairman.

So referred.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Also, Assembly Bill No. 68—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara.

BRADLEY, Chairman.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred Senate Concurrent Resolution No. 28—relative to appointing a clerk for Joint Committee on Hospitals—have considered and amended the same, and report it back without recommendation.

MEYERS, Chairman.

Amendment proposed by the committee adopted, and the resolution laid on the table.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations respectfully report that they have considered Assembly Concurrent Resolution No. 14—relative to coolie labor in this State—and recommend that it do pass.

FRANCK, Chairman.

By Mr. Rodgers:

Mr. SPEAKER: Your Committee on Rules and Employés, to whom was referred the resolution authorizing the Copying Clerks to employ two assistant clerks, have had the same under consideration, and report it back amended, and recommend the passage of the amended resolution.

Your committee further report that there are no additional clerks in the office of Copying Clerks, and at present there are to be copied one hundred and fifty folios, excepting Assembly Bill No. 126, and that the business is daily increasing, and in order that the copying should not be delayed, we recommend the appointment of one additional clerk.

ROGERS, for Committee.

Amendment authorizing the employment of one additional Copying Clerk adopted.

On motion of Mr. Amerman, the resolution, as amended, was laid on the table.

#### RESOLUTION.

Mr. Rogers had leave to introduce the following resolution:

*Resolved*, That the copy of Assembly Bill No. 126, furnished by the Code Commissioners, be furnished to the Printer, and the Copying Clerks be relieved from making a copy of said bill.

Adopted.

#### REPORT.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Senate Joint Resolution (substitute) for No. 4—to promote the interests

of agriculture—have considered and amended the same, and ask leave to report it back, recommending its passage.

MEYERS, Chairman.

One week's further time was granted the Committee on Counties and County Boundaries in which to report bills.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 15th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 4—An Act to repeal certain Acts herein named—known as the five per cent subsidy.

NEWTON BOOTH,  
Governor.

Mr. Coggins moved to reconsider the vote by which the House, on yesterday, ordered the engrossment of Assembly Concurrent Resolution No. 17.

Mr. Williams moved to indefinitely postpone the motion to reconsider. Mr. Freeman moved to lay the whole matter on the table.

Lost.

The motion of Mr. Williams prevailed.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced the following appointment of committee to investigate alleged charges of bribery in connection with the late Senatorial election: Messrs. Summers, Norton, Freeman, Coggins, and Simpers.

Mr. Franck moved to reconsider the vote by which the House, on yesterday, passed Senate Bill No. 38.

The motion prevailed.

Mr. Franck offered an amendment to the bill, amendment adopted, read third time, and passed.

By Mr. Venable—Concurrent Resolution relative to impost tax on tropical and semi-tropical fruits.

Read first and second times, and referred to the Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

By Mr. Kercheval—An Act for the better protection of the lands in Swamp Land District Number Two, in Sacramento County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Rea—An Act to provide for the construction of a flume for the transportation of lumber and other like materials from the head waters of San Lorenzo Creek to the Town of Santa Cruz, in the County of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

GENERAL FILE.

Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California.

Passed on File, till Monday next

Assembly Bill No. 31—An Act to amend a certain section of Volume I of the Political Code.

Title amended, read third time, and passed.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of *The People of the State of California v. Horace Smith*.

Ordered to top of File for Thursday next.

Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

Read third time, and passed.

Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Read third time, and passed.

Assembly Bill No. 123—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Read third time, and passed.

Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Read third time, and passed.

Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Read third time, and passed.

Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte, to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects the County of Mendocino.

Read third time, and passed.

Senate Bill No. 34—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and for other purposes.

Read third time, and passed.

Senate Bill No. 63—An Act to fix the terms of the County Court of the County of Tulare.

Read third time, and passed.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Passed on File for Monday next.

Assembly Concurrent Resolution No. 20—relative to turning the San Diego River.

Ordered engrossed.

Assembly Bill No. 61—An Act to regulate licenses in this State.

Passed on File for Monday next.

Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow, by Putah Creek, of certain

lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Ordered engrossed.

Assembly Bill No. 63—An Act for the relief of William Pyburn.

On motion of Mr. Howe, the House went into Committee of the Whole for consideration of Assembly Bill No. 63.

[The Speaker in the chair.]

On motion of Mr. Franck, the committee rose and reported the bill back to the House, recommending its engrossment.

#### IN ASSEMBLY.

[Speaker in the chair.]

Mr. Coggins moved that Assembly Bill No. 63 be referred to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Coggins, Kercheval, and Norton, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Bryan, Burt, Carter, Chandler, Coggins, Davis, Dixon, Franck, Freeman, Giffen, Gilmore of Calaveras, Gray, Hay, Heald, Hill, Kercheval, Knox, McCallum, Meyers, Miller, Morgan, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Snyder, Stowers, Summers, Swift, Winchell, and Mr. Speaker—38.

**NOES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Cressler, Fahey, Ferguson, Gilmore of El Dorado, Hammitt, Howe, Ingham, Klotz, Murphy, Peek, Roush, Simpser, Tinnin, Tully, Vandall, Venable, Wickware, and Wilhams—22.

#### REPORT.

By Mr. Freeman:

**MR. SPEAKER:** The Committee on Ways and Means having considered Senate Bill No. 118—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy four—report the same back, and recommend its passage.

**FREEMAN, Chairman.**

#### RESOLUTION.

By Mr. Paulsell:

*Resolved*, That the Committee on Hospitals be allowed a clerk, for not exceeding fifteen days, at a per diem of four dollars, and no mileage.

Referred to the Committee on Rules and Employés.

#### REPORT.

By Mr. Bowers:

**MR. SPEAKER:** The San Diego delegation, to whom was referred the bill entitled an Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county, ask leave to report the bill back to the House, and recommend its passage.

## RESOLUTION.

Mr. Amerman had leave to introduce the following resolution:

*Resolved*, That the Hon. J. W. Snyder of Mariposa be and he is hereby appointed an additional member of the Senatorial Investigating Committee.

Mr. Swift moved to amend by inserting the name of Mr. Amerman instead of that of Mr. Snyder.

Adopted.

Mr. Amerman moved that the resolution lie on the table.

Lost.

The resolution, as amended, was adopted.

The House took up for consideration Senate Bill No. 118—An Act amendatory of an Act making an appropriation for the capture of the bandit Vasquez and his band, approved January tenth, eighteen hundred and seventy-four.

On motion of Mr. Howe, the House went into Committee of the Whole for the consideration of Senate Bill No. 118.

[The Speaker in the chair.]

On motion of Mr. Ferguson, the committee rose, reported the bill back, and recommended its passage.

## IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 118 was read a third time, and passed.

## RESOLUTION.

By Mr. Vandall:

*Resolved*, That when this House adjourns it be to Monday, at two o'clock and thirty minutes P. M.

Lost.

Mr. Gray moved to extend the hour of recess for to-day for fifteen minutes.

Carried.

On motion of Mr. Tully, the House took up for consideration Senate Bill No. 68, and placed it on its passage

Upon which the ayes and noes were demanded by Messrs. Coggins, Burt, and Norton, and the House passed the bill, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Canfield, Carter, Chandler, Cressler, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hay, Hill, Howe, Ingham, Klotz, Meyers, Murphy, Northup, Peek, Pelham, Pishon, Rea, Snyder, Summers, Tinnin, Tully, Vandall, Venable, Wickware, and Williams—39.

NOES—Messrs. Bradley, Bryan, Burt, Coggins, Davis, Freeman, Heald, Kercheval, Knox, McCallum, Miller, Morgan, Norton, Parker, Patterson, Paulsell, Roush, Simpser, Stowers, Swift, Winchell, and Mr. Speaker—22.

Mr. Hill gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed Senate Bill No. 68.

Mr. Paulsell moved to take up for consideration the resolution introduced by him this morning, for the appointment of a clerk for the Hospital Committee.

Carried.

Mr. Bowers, at twelve o'clock and twelve minutes P. M., moved to adjourn.

Lost.

Mr. Paulsell moved to further extend the time for recess a half an hour.

Mr. Murphy moved to amend by making it fifteen minutes.

Adopted.

The resolution, as offered by Mr. Paulsell, was then adopted.

Mr. Vandall made a motion, that when this House adjourns it be till Monday at two o'clock and forty minutes P. M.

Lost.

Mr. Gray, at twelve o'clock and nineteen minutes, moved to adjourn.

Lost.

#### REPORT.

Mr. Tully had leave to offer the following report:

MR. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 146, have had the same under consideration, and report the same back, recommending its passage.

TULLY, for Delegation.

Mr. Murphy moved that when this House adjourns, it be to Monday next, at two o'clock and thirty-five minutes P. M.

Upon which the ayes and noes were demanded by Messrs. Vandall, Murphy, and Summers, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bryan, Byrnes, Carter, Coggins, Cressler, Davis, Dixon, Fahey, Freeman, Giffen, Gilmore of El Dorado, Gray, Hammitt, Heald, Hill, Howe, Ingham, Kercheval, McCallum, Miller, Morgan, Murphy, Northup, Parker, Patterson, Paulsell, Peek, Simpers, Snyder, Stowers, Swift, Tinnin, Vandall, Wickware, and Mr. Speaker—37.

NOES—Messrs. Bowers, Bradley, Burt, Canfield, Chandler, Escandon, Franck, Freidenrich, Gilmore of Calaveras, Hay, Klotz, Knox, Meyers, Norton, Pelham, Pishon, Rea, Roush, Summers, Tully, Venable, Williams, and Winchell—23.

At twelve o'clock and twenty-six minutes P. M., on motion of Mr. Hay, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, January 19th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Friday, January sixteenth, eighteen hundred and seventy-four, read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted to the following members for one day: Messrs. Chandler, Fahey, Peek, Murphy, Dixon, Wright, Swift, Vandall, and Norton.

## REPORTS.

Reports were submitted as follows:

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having considered Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court of this State—report the same back, with the recommendation that it be indefinitely postponed.

FREEMAN, Chairman.

By Mr. Burt:

MR. SPEAKER: The Committee on Mines and Mining Interests beg leave to report that they have had under consideration Assembly Concurrent Resolution No. 23, and report it back, recommending its passage.

Also, Assembly Concurrent Resolution No. 24, and after having amended the same, report it back, recommending its passage as amended.

S. B. BURT,  
Chairman.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 15—relative to survey of public lands in California—beg leave to report that they have had the same under consideration, and report the same, with an amendment, and recommend its passage as amended.

FRANCK, Chairman.

Mr. Snyder was granted one week's further time to report Assembly Bills Nos. 77 and 78.



## RESOLUTIONS.

By Mr. Bradley:

*Resolved*, That the Engrossing Clerk be and he is hereby authorized to insert the enacting clause in Assembly Bill No. 55—An Act to amend sections three thousand seven hundred and eighty and three thousand seven hundred and eighty-five of the Political Code.

Adopted.

By Mr. Bowers:

WHEREAS, The Controller of State, in his last biennial report, states that there are remaining due the State, taxes to the amount of sixty-four dollars and seventy-three cents from Amador County;

Also, eight hundred and forty-five dollars and twenty-eight cents from Calaveras County;

Also, six hundred and fourteen dollars and thirty-eight cents from Klamath County;

Also, thirty-eight thousand four hundred and eleven dollars and forty cents from Sacramento County;

Also, two thousand five hundred and eight dollars and thirty-three cents from Yolo County;

Also, twenty-six dollars and eleven cents from Los Angeles County;

Also, three hundred and twenty-six dollars and eight cents from Santa Barbara County;

Also, six thousand nine hundred and ninety-one dollars and ninety cents from Santa Clara County;

And, whereas, the Controller recommends that the Legislature take some action, either to compel the payment of the said sums, or authorize the Controller to credit the counties with the amount due; therefore,

*Resolved*, That the Committee of Ways and Means are hereby instructed to inquire into the facts of each case cited, to ascertain why the several amounts due are not paid or collected, and report to this House what action is necessary.

Adopted.

## REPORT.

By Mr. Bradley:

MR. SPEAKER: Your Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 55—An Act to amend sections three thousand seven hundred and eighty and three thousand seven hundred and eighty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Also, Assembly Concurrent Resolution No. 17—instructing our Senators and Representatives in Congress to oppose the passage of certain bills pending in the Senate of the United States.

Also, Assembly Concurrent Resolution No. 20—relative to turning the San Diego River.

Also, Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

BRADLEY, Chairman.

## RESOLUTION.

By Mr. Freeman:

*Resolved by the Assembly, the Senate concurring,* That the Surveyor General be requested to report to this Assembly, with all possible dispatch, the following information in regard to Swamp Land Districts Numbers One, Two, Five, Six, Seven, Eight, Sixteen, Seventeen, Eighteen, Thirty-eight, Forty-one, Forty-two, Forty-five, Forty-six, Forty-eight, Fifty, and Fifty-four:

First—The number of acres of land unsold on the first day of January, eighteen hundred and seventy-four, in each district;

Second—The unpaid principal upon lands in each district;

Third—The amount of interest due up to January first, eighteen hundred and seventy-four, in each district.

*Resolved,* That the Controller be requested to furnish the Assembly with a statement of the outstanding warrants drawn upon the funds of each of the above named districts.

Adopted.

## SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,  
January 19th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 119—An Act granting leave of absence from the State to J. B. Scott, Sheriff of Alpine County.

Also, on January fifteenth, passed Senate Joint Resolution No. 29—to secure the formation of a Commission to adjust and fix the losses which certain claimants have sustained by reason of the action of the General Government in relation to certain lands in Solano County.

Also, on the seventeenth instant, passed Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, concurred in Assembly amendment to Senate Bill No. 38—An Act to provide for the appointment of additional Notaries Public in some of the counties of the State.

J. B. CHINN,  
Assistant Secretary.

SENATE CHAMBER,  
January 19th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixteenth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code.

Also, on the seventeenth instant, passed Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and

San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

J. B. CHINN,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 119, above reported, read first and second times, and referred to the Alpine and Amador delegations.

Senate Concurrent Resolution No. 29, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 8, above reported, read first and second times, and referred to the Santa Barbara delegation.

Senate Bill No. 32, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

By Mr. Tully—An Act to incorporate the Town of Salinas.

Read first and second times, and referred to the Monterey delegation.

By Mr. Bryan—An Act concerning lawful and partition fences.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Gray—An Act to amend certain sections of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cowdery—An Act for the more effectual prevention of cruelty to animals.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Freeman—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Clark—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte.

Read first and second times, and referred to the Butte County delegation.

By Mr. Parker—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquetto for building bridges for said county.

Read first and second times, and referred to the Inyo delegation.

By Mr. Pishon—An Act relating to the residence of the County Judge of San Bernardino County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Patterson—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Miller—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six.

Read first and second times, and referred to the Amador and Alpine delegations.

## GENERAL FILE.

Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California.

On motion of Mr. Freeman, the bill was recommitted to the Judiciary Committee, with special instructions to amend section one by striking out the word "five," and inserting in lieu thereof the words "three and a half."

Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Read third time, and passed.

Substitute for Senate Joint Resolution No. 4—to promote the interests of agriculture.

Read third time, and passed.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Passed on File.

Assembly Concurrent Resolution No. 14—relative to coolie labor in this State.

Ordered engrossed.

Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

On motion of Mr. Tinnin, the House went into Committee of the Whole, for consideration of Assembly Bill No. 76.

[The Speaker in the chair.]

The bill was considered in Committee of the Whole, and amended.

On motion of Mr. Bowers, the committee arose, reported the bill back to the House, and recommended its engrossment.

## IN ASSEMBLY.

[Speaker in the chair.]

The amendments made in Committee of the Whole to Assembly Bill No. 76, were concurred in by the House, and the bill was ordered engrossed.

Assembly Bill No. 110—An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

Ordered engrossed.

Assembly Bill No. 123—An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, Free and Accepted Masons, for cemetery purposes.

Ordered engrossed.

Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Ordered engrossed.

At three o'clock and fifty-seven minutes P. M., on motion of Mr. Tully, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, January 20th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker presented a memorial from the Saratoga Monument Association.

Referred to the Committee on Ways and Means.

## REPORTS.

By Mr. Tully:

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 97—An Act to create the County of Canby, to establish the boundaries thereof, and provide for its organization—have had the same under consideration, and beg leave to submit the following report:

Your committee gather from the petitions, and other data furnished them, the following facts: That there is no division of sentiment, either amongst the people of Siskiyou County or the respective delegations from the counties affected, as to the propriety of the creation of a new county out of the eastern half of Siskiyou, the necessity of which is conceded by all. And the only opposition to this bill, as it now stands, is to that portion of it that proposes to include a portion of Lassen County within the boundaries of the proposed new County of Canby. To this there appears to be a considerable opposition from the people of the extreme northeastern portion of Siskiyou County, and from almost the entire County of Lassen, outside of the territory proposed to be taken from Lassen, and which it is proposed to add to the eastern half of Siskiyou in order to form the proposed new county. Within that territory, however, the entire population, or nearly so, have petitioned to be included in the new county organization. These people, it seems, are a very recent accession to the County of Lassen, and number about two hundred, and they constitute about one fourth of the population, with about one fourth of the territory and taxable wealth of Lassen County, which has, all told, a population of about eight hundred, and a taxable property of about one million two hundred thousand dollars, and a public debt of about thirty-one thousand dollars. It is true that these people are, in a measure, in an isolated condition; far from their county seat, and at some seasons of the year, for want of good roads, and on account of snow and other natural obstacles, virtually cut off from all communication with the rest of their political associates.

Your committee believe that to take from Lassen County this amount of wealth and extent of territory, would leave her burdened, as she at present is, with a large debt, in a very precarious condition, and would seriously jeopardize her existence as a county organization. And whilst we fully recognize and appreciate the peculiar hardships that are entailed upon this isolated people, and would gladly relieve them, of some, at least, of those complained of, we do not feel warranted in doing

so at the imminent risk of bankrupting and possibly destroying the remaining portion of Lassen County as a local government. To do so would reduce her taxable wealth, a great portion of which is of a perishable or transient nature, from one million two hundred thousand dollars to some eight hundred thousand dollars or nine hundred thousand dollars, and leave her burdened with a debt of about twenty-seven thousand dollars. We feel that the remedy in this case would be worse than the evil complained of, and that whilst relieving a small portion of this people from their trouble, we would inflict an intolerable hardship upon a far greater number.

When the financial condition of Lassen County shall have improved, as it must in a few years, to such an extent as to warrant the separation, this people will no doubt be allowed to so adjust their boundaries as to associate themselves politically with those to whom they geographically, socially, and by sympathy belong.

For these, among other reasons, we report the bill back, with a recommendation that it do not pass.

TULLY, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No 53—An Act to pay the claim of W. L. McEwen and C. F. Smith—beg leave to report that they have examined the same, and report the same back, with the recommendation that it do pass.

TINNIN, Chairman.

By Mr. Bradley:

Mr. SPEAKER: Your Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 76—An Act for the relief of W. Rowland, Sheriff of Los Angeles County.

Also, Concurrent Resolution No. 14—relative to coolie labor in this State.

BRADLEY, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 19—relative to the increase salary bill, passed by the Federal Congress at its last session—and hereby report said resolution with an amendment, and recommend that it pass as amended.

FRANCK, Chairman.

By Mr. Escandon:

Mr. SPEAKER: The Santa Barbara and San Luis Obispo delegation, to whom was referred Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo—beg leave to report the same back, and recommend its passage.

A. G. ESCANDON, for Delegation.

#### RESOLUTIONS.

By Mr. Amerman:

WHEREAS, The Surveyor General of this State, in his last biennial report, asserts that "a large area of land has been surveyed and returned

to his office as swamp and overflowed, which is not shown to be such, either by State segregations or by the United States maps;" therefore, be it

*Resolved*, That the Surveyor General be and he is hereby requested, at an early day, to report to this House the number of acres returned as aforesaid, the counties where situated, the names of parties for whom such surveys were made, and any other facts within his knowledge pertaining thereto.

Adopted.

By Mr. Tinnin:

*Resolved*, That one week's pay and mileage be allowed M. D. Boruck, ex-Chief Clerk, for services in organizing the House, payable out of the Contingent Fund of the Assembly.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Amerman—An Act for the protection and preservation of fish in the waters of San Antonio Creek, in the County of Alameda.

Read first and second times, and referred to the Alameda delegation.

By Mr. Dixon—An Act to fund certain indebtedness of Sonoma County.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Swift—An Act to amend the Civil Code of this State

Read first and second times, and referred to the Committee on Corporations.

By Mr. Aldrich—An Act amending section three hundred and ninety-two of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Substitute for Assembly Concurrent Resolution No. 17—instructing our Senators and Representatives in Congress to oppose the passage of certain bills pending in the Senate of the United States.

Upon the passage of the resolution, the ayes and noes were demanded by Messrs. Bowers, Amerman, and Klotz, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Giffen, Gray, Hamill, Hammitt, Hay, Higbie, Howe, Hurlburt, Ingham, Kercheval, Knox, McCallum, Meyers, Murphy, Norton, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Stowers, Swift, Tinnin, Tully, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—51.

**NOES**—Messrs. Amerman, Bowers, Byrnes, Carter, Fahey, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Hill, Klotz, Long, Morgan, Northcutt, Northup, Parker, Peek, Snyder, and Summers—18.

## LEAVE OF ABSENCE.

Mr. Miller was granted leave of absence for one day.

## REPORT.

Mr. Kercheval had leave to submit the following report:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 92, beg leave to report that they have considered the same, and report it back, and recommend that it do not pass.

R. KERCHEVAL, Chairman.

## GENERAL FILE RESUMED.

Assembly Concurrent Resolution No. 20—relative to turning the San Diego River.

Read third time, and passed.

Assembly Bill No. 55—An Act to amend sections thirty-seven hundred and eighty and thirty-seven hundred and eighty-five of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Tinnin, Vandall, and Paulsell.

Mr. Cowdery moved to refer the bill to the Judiciary Committee, with instructions to amend by inserting a provision making it only applicable to San Francisco.

Lost.

The roll was called upon the passage of the bill, with the following result:

AYES—Messrs. Bowers, Burt, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Freidenrich, Gray, Hamill, Hay, Higbie, Howe, Hurlburt, Ingham, McCallum, Murphy, Norton, Patterson, Pishon, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Wickware, Williams, and Winchell—30.

NOES—Messrs. Ables, Aldrich, Amerman, Bradley, Bryan, Byers, Byrnes, Coggins, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hill, Kercheval, Klotz, Knox, Long, Meyers, Morgan, Northcutt, Northup, Parker, Paulsell, Peek, Pelham, Rea, Summers, Tinnin, Tully, Vandall, Venable, and Mr. Speaker—38.

Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 46—An Act authorizing and directing the Clerk of the Supreme Court of the State of California to make general indices of the records, files, and minutes of the Supreme Court.

Indefinitely postponed.



## REPORT.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled the following Assembly Bill, and that the same was this day, at eleven o'clock and eighteen minutes A. M., delivered to the Governor for his approval, viz: Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

HAY, Chairman.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Passed on File.

Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Passed on File.

Assembly Concurrent Resolution No. 15—relative to a survey of public lands in California.

Amendment reported by the Committee on Federal Relations adopted, and the resolution ordered engrossed.

Assembly Concurrent Resolution No. 23—relative to asking our Senators and Representatives to oppose the passage of Senate Bill No. 23, now pending in the United States Senate.

Passed on File.

Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies and corporations title to any lands, whether agricultural or mineral.

Ordered engrossed.

On motion of Mr. Northcutt, the House took up for consideration Assembly Bill No. 61—An Act to regulate licenses in this State.

The bill was withdrawn by the author.

On motion of Mr. Venable, the House took up for consideration Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Burt, Norton, and Long, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Bowers, Byrnes, Canfield, Chandler, Cowdery, Cressler, Escandon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hay, Higbie, Howe, Hurlburt, Klotz, Meyers, Murphy, Peek, Pishon, Rea, Rogers, Russell, Snyder, Tiunn, Tully, Vandall, Venable, Wickware, Williams, and Winchell—36.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Carter, Coggins, Davis, Dixon, Gray, Hill, Ingham, Kercheval, Knox, Long, McCallum, Morgan, Northcutt, Northup, Norton, Parker, Paterson, Paulsell, Pelham, Roush, Simpers, Stowers, Summers, Swift, and Mr. Speaker—31.

At twelve o'clock M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

At one o'clock P. M. the House reassembled.  
 Speaker in the chair.  
 Roll called, and a quorum present.

## REPORT.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 110—An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

Also, Assembly Bill No. 123—An Act granting certain lands in the City of San Diego, to San Diego Lodge, Number Thirty-five, Free and Accepted Masons, for cemetery purposes.

BRADLEY, Chairman.

## SPECIAL ORDER.

At one o'clock P. M., the Speaker announced the special order to be the consideration of Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

On motion of Mr. Coggins, the further consideration of the bill was made the special order for Thursday next, at one o'clock P. M.

At two o'clock and twenty-eight minutes P. M., on motion of Mr. Tinnin, the House adjourned.

D. T. LOOFBOURROW,  
 Chief Clerk.

M. M. ESTEE,  
 Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
 Wednesday, January 21st, 1874. }

House met pursuant to adjournment.  
 Speaker in the chair.  
 Roll called, and a quorum present.  
 Prayer by the Chaplain.  
 Journal of yesterday read and approved.

## REPORT.

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public

lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight—have had the same under consideration, and report it back amended, with the recommendation that it pass as amended.

Also, Assembly Bill No. 48—An Act to repeal certain sections of the Political Code relating to the State Land Agent residing at Washington, District of Columbia—report the same back, with the recommendation that the author be allowed to withdraw it, a bill having the same object in view being now in the hands of the Judiciary Committee.

Also, Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California—report the same back, and recommend its passage.

GRAY, Chairman.

#### PETITION.

By Mr. Venable—petition from citizens of California relative to a system of irrigation.

Referred to the Committee on Irrigation.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 157—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame—beg leave to report that they have considered the bill, and now report the same back to this House, with the unanimous recommendation that it do pass.

PATTERSON, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 18—An Act to repeal section three hundred of the Penal Code of the State of California—beg leave to report that it be indefinitely postponed.

PATTERSON, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Also, Assembly Concurrent Resolution No. 15—relative to a survey of public lands in California.

BRADLEY, Chairman.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education, to whom was referred Senate Bill No. 97, would report the same back, and recommend its passage.

HIGBIE, Chairman.

By Mr. Clark:

Mr. SPEAKER: Your committee to whom was referred Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two—have had the same under consideration, and respectfully ask leave to report it back, and recommend the passage thereof.

CLARK, for Delegation.

By Mr. Higbie:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 33, report the same back, and recommend its passage.

HIGBIE, for Delegation.

By Mr. Stowers:

Mr. SPEAKER: The Alpine and Amador delegation, to whom was referred Senate Bill No. 119, beg leave to report it back and recommend its passage.

MILLER,  
STOWERS,  
For Delegation.

#### RESOLUTIONS.

By Mr. Snyder:

*Resolved*, That a committee of five be appointed by the Speaker, to whom shall be referred all matters of legislation relating to the Yosemite and Big Tree Parks.

Adopted.

By Mr. Venable:

*Resolved*, That the usual number of copies of the petition for a general system of irrigation be printed.

Referred to the Committee on Printing.

#### SENATE MESSAGES.

The following messages were received from the Senate:

SENATE CHAMBER,  
January 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 73—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts.

Also, passed Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

Also, passed Assembly Concurrent Resolution No. 13—the reestablishment of a daily mail route from Redding, via Shasta, etc., to Yreka.

Also, amended and passed Assembly Concurrent Resolution No. 5—to prevent granting subsidies to the San Joaquin and Kings River Irrigation Company.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
January 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 138—An Act to amend section sixty-seven of the Code of Civil Procedure.

Also, on the twentieth instant, adopted Assembly Concurrent Resolution No. 26—requesting the Surveyor General and the Controller to furnish certain information concerning certain swamp land districts.

Also, concurred in Assembly amendments to Senate Concurrent Resolution No. 4—to promote the interests of agriculture.

Also, passed Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Board of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Also, passed Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Also, passed Assembly Bill No. 122—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

Also, on the nineteenth instant, adopted Senate Concurrent Resolution No. 30—relative to the establishment of an Indian reservation in Siskiyou County.

Also, adopted Senate Concurrent Resolution No. 31—relative to the appointment of a commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.

Also, that Assembly Bill No. 44—An Act to repeal an Act to protect agriculture and prevent the trespass of animals upon private property in the County of Los Angeles, etc.—was withdrawn from the consideration of the Senate, at the request of the author.

Also, that on this twentieth day of January, adopted the following resolution:

*Resolved*, That the Assembly be requested to return to the Senate, Senate Bill No. 46, to correct an error in the engrossment of the same.

And am also instructed to present with Senate Concurrent Resolution No. 30, certain petitions of citizens of Siskiyou County asking the passage of said resolution.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No 73, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Substitute for Assembly Concurrent Resolution No. 5, above reported, Senate amendments concurred in by the House.

Senate Bill No. 138, above reported, read first and second times, and referred to the Yuba and Sutter delegation.

Senate Joint Resolution No. 30, above reported, read first and second times, and referred to the Committee on Indian Affairs.

Senate Joint Resolution No. 31, above reported, read first and second times, and referred to the Committee on Ways and Means.

#### NOTICES.

By Mr. Northcutt, of a bill to induce school teachers to continue in the profession, and make teaching a specialty.

By Mr. Pelham, of a bill to amend section nine hundred and fifty-five of the Political Code.

By Mr. Snyder, of a bill to regulate telegraph charges and rates.

By Mr. Klotz, of a bill entitled an Act in relation to swamp lands in this State.

By Mr. Tully, of a bill to reincorporate the City of Monterey.

Mr. Pishon had leave to withdraw Assembly Bill No. 44.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hammitt—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Read first and second times, and referred to the Contra Costa delegation.

By Mr. Hurlburt—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Read first and second times; and referred to the Committee on Roads and Highways.

Also, an Act to provide for the construction of certain wagon roads in the County of Humboldt.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Venable—An Act providing for a general system of canals for irrigation, agriculture, and other purposes.

Read first and second times, and referred to the Committee on Irrigation.

By Mr. Wickware—An Act concerning certain public reservations of the City and County of San Francisco.

Read first and second times, and referred to San Francisco delegation.

By Mr. Meyers—An Act concerning the selection and sale of University lands.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Knox—An Act to amend certain sections of, repeal certain sections of, and to add certain sections to the Political Code.

Read first and second times, and referred to the Judiciary Committee.

#### REPORT.

Mr. Tully had leave to submit the following report:

Mr. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 155, have had the same under consideration, and beg leave to report the same back, with the recommendation that it pass.

TULLY, for Delegation.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 14—relative to coolie labor in this State.

Read third time, and passed.

Assembly Bill No. 110—An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

Read third time, and passed.

Assembly Bill No. 123—An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, Free and Accepted Masons, for cemetery purposes.

Read third time, and passed.

Senate Bill No. 8—An Act to repeal an Act concerning roads in the Counties of Santa Barbara and San Luis Obispo, passed February twenty-first, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 53—An Act to pay the claim of W. L. McEwen and C. F. Smith.

On motion of Mr. Tinnin, the House went into Committee of the Whole for consideration of the bill.

[The Speaker in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Howe, the committee arose, and reported the bill to the House, recommending its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 53, reported from the Committee of the Whole, read third time, and passed.

#### REPORT.

The Speaker presented a report of the San Francisco Lying in Hospital and Foundling Asylum, for eighteen hundred and seventy-two—three. Referred to the Committee on Ways and Means.

#### GENERAL FILE RESUMED.

Assembly Concurrent Resolution No. 19—relative to Salary Grab Bill passed by last Congress.

Title amended, and the resolution indefinitely postponed.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Passed on File.

Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Ordered engrossed.

[Speaker pro tem. in the chair.]

Assembly Concurrent Resolution No. 23—relative to asking our Senators and Representatives to oppose the passage of Senate Bill No. 23, now pending in the United States Senate.

At eleven o'clock and fifty-three minutes A. M., on motion of Mr. Bowers, the time for taking a recess was extended twenty minutes.

[Speaker in the chair.]

On motion of Mr. Tinnin, the resolution was laid on the table.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced the following appointment of the committee to whom shall be referred all matters relating to the Yosemite and Big Tree Parks: Messrs. Snyder, Howe, Kercheval, Meyers, and Wright.

#### GENERAL FILE RESUMED.

Assembly Bill No. 92—An Act supplementary to an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; and an Act supplementary and amendatory thereof, approved April first, eighteen hundred and seventy.

Withdrawn by the author.

Assembly Bill No. 97—An Act to create the County of Canby, to establish the boundaries thereof, and to provide for its organization.

Passed on File.

By Mr. Northcutt—Concurrent Resolution relative to the survey of the mountain grazing lands of this State.

Read first and second times, and referred to the Committee on Public Lands.

Mr. Gray had leave to withdraw Assembly Bill No. 48—An Act to repeal certain sections of the Political Code relating to the State Land Agent residing at Washington, District of Columbia.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Bowers, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
Thursday, January 22d, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Swift—Petition from citizens of San Francisco relative to laws concerning pilots.



Referred to the Committee on Commerce and Navigation.

By Mr. Thomas—Petition from citizens of Santa Cruz, asking the passage of a law to prevent the casting of sawdust and other offal into running streams.

Referred to the Judiciary Committee.

By Mr. Bowers—Petition of citizens of San Diego, asking that two classes be added to the law regulating licenses.

Referred to the Committee on Ways and Means.

#### REPORT.

The Speaker presented the following report:

*To the Hon. M. M. ESTEE, Speaker of the Assembly:*

In compliance with Assembly Concurrent Resolution No. 26—requesting the Controller of State to furnish the Assembly with a statement of the outstanding warrants drawn upon the Funds of Swamp Land Districts Numbers One, Two, Five, Six, Seven, Eight, Sixteen, Seventeen, Eighteen, Thirty-eight, Forty-one, Forty-two, Forty-five, Forty-six, Forty-eight, Fifty, and Fifty-four—I have the honor to submit the following statement:

*The amount of outstanding warrants drawn against the above named Funds, are as follows:*

District.	Amount.
District Number One .....	\$39,956 35
District Number Two .....	19,165 15
District Number Five .....	9,979 83
District Number Six .....	420 00
District Number Seven .....	948 28
District Number Eight .....	1,878 05
District Number Sixteen .....	1,036 00
District Number Seventeen .....	1,250 87
District Number Eighteen .....	65,013 22
District Number Thirty-eight .....	7,091 80
District Number Forty-one .....	837 50
District Number Forty-two .....	208 00
District Number Forty-five .....	489 96
District Number Forty-six .....	407 75
District Number Forty-eight .....	9,390 28
District Number Fifty .....	4,302 54
District Number Fifty-four .....	2,673 86
Total .....	\$164,595 44

I have the honor to be, very respectfully,

JAMES J. GREEN,  
Controller of State.

Referred to the Committee on Ways and Means.

## PETITION.

The Speaker presented a petition for aid from the Sacramento Protestant Association.

Referred to the Committee on Ways and Means.

## REPORTS.

Reports were made as follows:

By Mr. Tinnin:

MR. SPEAKER: The Committee on Claims have had under consideration Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

The first point urged against the claim is, that the Tide Land Commission does not legally exist, on account of certain constitutional provisions. That being a judicial point, the committee do not propose to usurp the functions of the Judiciary Committee in deciding points of law.

In regard to the acts and labors of the Commission, the committee have availed themselves of all the avenues of information within their reach. We have closely examined all the vouchers and returns of the Commission, through the Board of Examiners and the Controller's and Treasurer's offices. In this we have been assisted by Mr. Arms, of the Controller's office, who acted as an expert, and whose valuable assistance we could not have dispensed with.

Your committee find that the Tide Land Commission have been acting in behalf of the State in the duties of the office, and under a regular appointment by the Governor; that they have produced vouchers covering the amount of thirty-one thousand four hundred and ninety-four dollars and seventy-nine cents (\$31,494 79). The items in general are correct; but the committee desire, at this time, to put their seal of condemnation on any custom where State officers use the public funds to purchase newspapers for office or private uses, and for advertising in more papers than are required by law. The law authorizes the Commission to advertise the sale of the tide lands in three papers, but does not say how many more they shall advertise in. Under this construction the Commission have advertised in about thirteen papers for two sales, amounting in the aggregate for advertising to over five thousand five hundred dollars (\$5,500). This we think useless and extravagant.

The Commission made, during their term of office, two auction sales, amounting to about eighty-one thousand dollars (\$81,000). Under the law they handle only twenty-five per cent of that amount, the balance being paid to the State Treasurer. From information before the committee, it will cost the State more than fifty per cent of the amount of gross sales to sell the property. This, under the circumstances, does not look well for the State, in a financial aspect; yet we do not feel justified in placing all the blame for the excessive cost on the Commission, as they had to conform to legal requirements.

In conclusion, the committee report that the Commission have not been paid their salaries and approved bills for seventeen (17) months; that the salaries and vouchers, up to December first, eighteen hundred

and seventy-three, amount to thirty-one thousand four hundred and ninety-four dollars and seventy-nine cents (\$31,494 79); and that the probable cost of running the Commission from December first, eighteen hundred and seventy-three, to February first, eighteen hundred and seventy-four, will be about four thousand dollars (\$4,000); and that an appropriation of four thousand dollars (\$4,000), if allowed, would be, under the bill, properly guarded by the examination of the State Board of Examiners, in allowing such sums as were just and proper.

The committee report the bill back, without recommendation.

TINNIN, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 150—An Act to prohibit the carrying of concealed weapons—have had the matter under consideration, and report the same back, with the following amendments, viz: In section one the word "traveler" be stricken out; that section two be stricken out entirely—and unanimously recommend the passage of the bill.

PATTERSON, Chairman.

By Mr. Snyder:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno—beg leave to report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two—and report the same back, and recommend its passage.

Also, Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt—and report the same back, and recommend its passage.

SNYDER, Chairman.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Public Printing, to whom was referred Resolution No. —relative to printing a certain petition on irrigation—report the same back, and recommend that it do not pass.

VANDALL, Chairman.

The report was adopted.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having had under consideration Senate Concurrent Resolution No. 29—to secure the formation of a Commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the General Government in relation to certain lands in Solano County;

Also, Assembly Bill No. 109—An Act to amend Class Nine, and add Class Ten to section thirty-three hundred and eighty-two of the Political Code—with an amendment by the committee, adding Class Eleven to said section—report the same back, with the recommendation that they pass.

Also, Assembly Bill No. 151—An Act to appropriate money for the relief of General John A. Sutter—a majority recommend its passage.

FREEMAN, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 90—An Act to incorporate the Town of San Rafael—report it back, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 111—An Act to amend the Political Code by adding sections thirty-two hundred and forty-six, thirty-two hundred and forty-seven, and thirty-two hundred and forty-eight, regulating hours of labor in certain cases—report it back, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 106—An Act to authorize the husband, or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank, when the same does not exceed the sum of five hundred dollars—report it back, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled "Charter Ordinance Number Thirty-eight," granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three—report it back, without recommendation.

Also, in accordance with a resolution of the House relating to the minutes, the committee report and recommend the passage of an Act to amend section two hundred and fifty-five of the Political Code.

WILLIAMS, Chairman.

By Mr. Bradley:

Mr. SPEAKER: Your Committee on Engrossment report that they have examined and find correctly engrossed Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations title to any lands, whether agricultural or mineral.

Also, Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

BRADLEY, Chairman.

By Mr. Hammitt:

Mr. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 169, have considered the same, and beg leave to report the same back, and recommend its passage.

A. W. HAMMITT, for Delegation.

By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 58—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities—have examined

the same, and respectfully report it back with a substitute, and recommend the passage of the substitute.

GURNETT,  
AMERMAN.

Mr. Patterson moved to take from the table the resolution for the appointment of a Special Committee on Charitable Institutions.

Lost.

#### RESOLUTIONS.

By Mr. Ferguson:

*Resolved*, That Assembly Bill No. 141, now in the hands of the Committee on Ways and Means, be referred to the Committee on the Yosemite and Big Tree Parks.

Adopted.

By Mr. Swift:

*Resolved*, That this House extend an invitation to the Senators, and to the officers of the Senate, to attend the lecture of D. C. Gilman, President of the University of California, to be delivered in the Assembly Chamber, on Monday evening, the twenty-sixth of January, eighteen hundred and seventy-four, and that the Speaker transmit the invitation to the Senate in the usual manner.

Adopted.

By Mr. Thomas:

*Resolved*, That an invitation be and is hereby extended to Mr. John Wright, of the firm of Sanders & Wright, architects, of San Francisco, to visit Sacramento, at his earliest convenience, and estimate the probable cost of remedying the imperfect acoustic properties of the Assembly Chamber, the expense of said investigation to be paid out of the Contingent Fund of the Assembly.

Adopted.

#### MOTIONS.

On motion of Mr. Coggins, Mr. Patterson was added to the Committee on Hospitals.

On motion of Mr. Murphy, Mr. Hamill was also added to the Committee on Hospitals.

#### RESOLUTIONS.

By Mr. Wickware:

*Resolved*, That the usual number of Assembly Bill No. 173 be printed—An Act concerning public reservations in the City and County of San Francisco.

Referred to the Committee on Printing.

By Mr. Meyers:

*Resolved*, That the Controller be and he is hereby authorized to issue his warrant in favor of J. B. Stevens for twenty-four dollars, for services

rendered as Assistant Minute Clerk, on the fifth, sixth, and seventh days of January, payable out of the appropriation for contingent expenses of the House.

Adopted.

By Mr. Long:

*Resolved*, That two members be added to the Special Committee on Yosemite and Big Tree Parks.

Adopted.

The Speaker appointed as such members Messrs. Long and Aldrich.

By Mr. Barton:

*Resolved by the Assembly, the Senate concurring*, That a committee, consisting of four members of the Assembly, be appointed by the Speaker, and three members of the Senate be appointed by the President of the Senate, who shall act as a Joint Committee on Freights and Fares.

Lost.

By Mr. Gray—Concurrent Resolution granting leave of absence for ninety days to William Schneider, Treasurer of Butte County.

Adopted.

By Mr. Swift:

*Resolved*, That the Committee on Apportionment be allowed to employ a clerk, at such per diem as may be recommended by the Committee on Rules and Employés, and for such length of time as shall be necessary for the business of said Committee on Apportionment.

Referred to the Committee on Rules and Employés.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 21st, 1874. }

MR. SPEAKER: I am directed to inform your honorable body, that the Senate, on the nineteenth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 139—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Also, on the twenty-first day of January, passed Assembly Bill No. 110—An Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county.

Also, passed Assembly Bill No. 123—An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, Free and Accepted Masons, for cemetery purposes.

IRA H. REED,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No 139, above reported, read first and second times, and referred to the Santa Cruz delegation.

## NOTICES.

By Mr. Northcutt, of a bill to regulate the rates of premiums on risks in the business of underwriting, and to prevent combinations for the purpose of maintaining high rates of insurance.

By Mr. Gurnett, of a bill entitled an Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

By Mr. Bowers, of a bill to amend an Act relating to the trespassing of animals in San Diego and Los Angeles Counties and part of Monterey County.

By Mr. Gilmore of Calaveras, of a bill to regulate the price of quick-silver in the State of California.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Swift—An Act to amend sections two thousand five hundred and twenty-one to two thousand five hundred and fifty-four, inclusive, of the Political Code.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Welch—An Act to reincorporate the City of Napa.

Read first and second times, and referred to the Napa delegation.

By Mr. Aldrich—An Act to provide for the purchasing of sites and the erection of school buildings for the common schools of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

## RESOLUTIONS.

By Mr. Aldrich:

*Resolved*, That the usual number of copies of the bill authorizing the purchase of sites and the issuing of bonds for the building of school buildings in San Francisco, be printed.

Referred to the Committee on Printing.

By Mr. Hammitt—Joint Resolution granting leave of absence to George J. Bennett, County Recorder of Contra Costa County.

Adopted.

By Mr. Coggins—An Act to add section one thousand six hundred and twenty-five to the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Clark—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Read first and second times, and referred to the Butte delegation.

By Mr. Northcutt—An Act to repeal section five hundred and fifteen of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tully—An Act to reincorporate the City of Monterey.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Northcutt—An Act to induce school teachers to continue in the profession, and make teaching a specialty.

Read first and second times, and referred to the Committee on Education.

By Mr. Kercheval—An Act to repeal section one thousand five hundred and forty-two of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Wright—An Act amendatory of section three thousand nine hundred and eighty-one of the Political Code of the State of California.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

At eleven o'clock and fifty minutes A. M., on motion of Mr. Ingham, the hour for recess was continued thirty minutes.

Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of *The People of the State of California v. Horace Smith*.

[Speaker pro tem. in the chair.]

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Burt, Bradley, and Kercheval, and the bill was passed, by the following vote:

AYES—Messrs. Aldrich, Barton, Bowers, Byrnes, Canfield, Coggins, Cowdery, Cressler, Dixon, Escandon, Fabey, Franck, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Higbie, Howe, Ingham, Klotz, McBride, McCallum, Murphy, Northup, Patterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Swift, Terrill, Tinnin, Tully, Vandall, Venable, Welch, Wickware, Williams, Wright, and Mr. Speaker—48.

NOES—Messrs. Abies, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Davis, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Heald, Hurlburt, Kercheval, Knox, Long, Meyers, Morgan, Norton, Parker, Paulsell, Rea, Thomas, and Winchell—26.

At twelve o'clock and five minutes P. M., on motion of Mr. Tinnin, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker pro tem. (Mr. Howe) in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced as the special order the consideration of Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.



On motion of Mr. Swift, the consideration of the bill was made the special order for Saturday next, at one o'clock P. M., to consider amendments; and the further consideration of the bill to be at that time continued until Tuesday, January twenty-seventh, at one o'clock P. M.

On motion of Mr. Barton, the usual number of copies of the bill were ordered printed.

#### LEAVE OF ABSENCE.

Mr. Miller was granted indefinite leave of absence.

#### GENERAL FILE RESUMED.

Substitute for Assembly Bill No. 35—An Act to amend section thirty-three hundred and eighty-five of the Political Code.

Read third time, and passed.

[Speaker in the chair.]

Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Recommitted to the Monterey delegation.

Assembly Concurrent Resolution No. 15—relative to a survey of public lands in California.

Read third time, and passed.

Senate Bill No. 16—An Act directing the Controller to advertise in a newspaper published in the County of Stanislaus of the sale of certain lands, the title of which is vested in the State of California.

Read third time, and passed.

Senate Bill No. 33—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of Los Angeles.

Read third time, and passed.

Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

Amendment reported by the Committee on Public Lands adopted, the bill read a third time, and passed.

Senate Bill No. 97—An Act to amend an Act entitled an Act to empower the City of Stockton to fund its school debt, and for school purposes, approved March twenty-sixth, eighteen hundred and seventy-two.

Read third time, and passed.

Senate Bill No. 119—An Act granting leave of absence from the State to James B. Scott, Sheriff of Alpine County.

Read third time, and passed.

Assembly Bill No. 18—An Act to repeal section three hundred of the Penal Code of the State of California.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Murphy, Tinnin, and Franck, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cress-

ler, Davis, Giffen, Gilmore of El Dorado, Gray, Higbie, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Morgan, Patterson, Paulsell, Rea, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Thomas, Vandall, Venable, Welch, Winchell, and Wright—46.

NOES—Messrs. Bowers, Byrnes, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Hamill, Hammitt, Hay, Hill, Murphy, Northcutt, Northup, Norton, Peek, Pelham, Pishon, Simpers, Swift, Terrill, Tinnin, Tully, Wickware, and Mr. Speaker—27.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Ordered engrossed.

Assembly Bill No. 97—An Act to create the County of Canby, to establish the boundaries thereof, and to provide for its organization.

The House refused to order the bill engrossed.

#### INTRODUCTION OF BILL.

By the Judiciary Committee—An Act to amend section two hundred and fifty-five of the Political Code.

Read first and second times, and placed on File.

#### GENERAL FILE RESUMED.

Assembly Bill No. 155—An Act to incorporate Salinas City.

Ordered engrossed.

Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Ordered engrossed.

At three o'clock and forty-seven minutes P. M., Mr. Coggins moved to adjourn.

Lost.

Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Recommitted to the Judiciary Committee.

By unanimous consent, the bill was taken from the Judiciary Committee and placed upon its engrossment.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Patterson, Kercheval, and Knox, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Barton, Bowers, Bradley, Bryan, Burt, Byers, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Giffen, Gilmore of El Dorado, Gray, Hammitt, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Morgan, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Thomas, Tully, Venable, Welch, Winchell, Wright, and Mr. Speaker—50.

NOES—Messrs. Aldrich, Amerman, Byrnes, Canfield, Carter, Escandon, Fahey, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Hamill, Hay, Long, Murphy, Northcutt, Northup, Norton, Peek, Swift, Terrill, Tinnin, Vandall, and Wickware—24.

At four o'clock P. M., on motion of Mr. Snyder, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, January 23d, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

LEAVE OF ABSENCE.

Mr. Williams was granted leave of absence for two days, and Mr. Dixon for one day.

REPORTS.

By Mr. Bradley:

Mr. SPEAKER: The delegation from Yuba and Sutter Counties, to whom was referred Senate Bill No. 138—An Act to amend section sixty seven of the Code of Civil Procedure—having had the same under consideration, would herewith report it back, and recommend its passage.

BRADLEY, for Delegation.

By Mr. Welch:

Mr. SPEAKER: The Napa delegation, to whom was referred Assembly Bill No. 177—An Act to reincorporate the City of Napa—beg leave to report the same back, and recommend its passage.

WELCH, for Delegation.

By Mr. Amerman:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of San Antonio Creek, in the County of Alameda—respectfully report the bill back, and recommend its passage.

AMERMAN,  
GURNETT.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 75—An Act entitled an Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work, in said city and county—have had the same under

consideration, and have agreed upon amendments thereto, and now report the same back, and recommend that the bill pass as amended.

SWIFT, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 22d, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 74—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

NEWTON BOOTH,  
Governor.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
January 22d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-second instant, passed Senate Bill No. 36—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 36, above reported, read first and second times, and referred to the Sacramento delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cressler—An Act to create the County of Summit, to establish the boundaries thereof, and to provide for its organization.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Barton—An Act to authorize the payment of fees and mileage to certain witnesses.

Read first and second times, and referred to the Committee on Claims.

Also, an Act relating to the apprenticeship of minors and dissolute persons, and defining the relations between master and servant.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ables—An Act legalizing a certain road in Marin County.

Read first and second times, and referred to the Marin delegation.

By Mr. Bradley—An Act to provide for the protection of lands from overflow in the County of Yuba.

Read first and second times, and referred to the Yuba delegation.

By Mr. Cowdery—An Act to add additional sections to the Political Code relating to costs in criminal cases.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pelham—An Act to amend section nine hundred and fifty-five of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gurnett—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Read first and second times, and ordered on File.

By Mr. Giffen—An Act to amend the Political Code of the State of California defining the boundary line between the Counties of Nevada and Placer.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Terrill—An Act for securing liens of mechanics and others.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Franck—An Act to amend section seventeen of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Read first and second times, and referred to the Santa Clara delegation.

#### RESOLUTION.

By Mr. Bowers:

*Resolved*, That the Committee on Corporations be requested to lay before this House, to-morrow morning, the complaints made to them (if any have been) in answer to the resolution recently passed by this body, requesting all persons having complaints against the management of railroads in this State, or knowing of instances of oppression or malpractice, to forward a statement to said committee, so that this Assembly will be informed of the nature and extent of all complaints made.

Adopted.

#### GENERAL FILE.

Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations title to any lands, whether agricultural or mineral.

Recommitted to Mr. Coggins, with special instructions to amend.

Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Mr. Hay moved to recommit the bill to the Committee on Counties and County Boundaries, and that it be made the special order for Friday, January thirtieth, at one o'clock P. M.

Lost.

The bill was read a third time, and passed.

Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations title to any lands, whether agricultural or mineral.

Amendments proposed by Mr. Coggins adopted, the bill read a third time, passed, and ordered reengrossed.

Senate Concurrent Resolution No. 29—to secure the formation of a commission to adjust, settle, and fix the losses which certain claimants have sustained by reason of the action of the General Government in relation to certain lands in Solano County.

Read a third time, and passed.

Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

On motion of Mr. Tinnin, the House went into Committee of the Whole for consideration of the bill.

[The Speaker in the chair.]

The bill was considered in Committee of the Whole, and on motion of Mr. Murphy, the committee arose, reported the bill back to the House, recommending its reference to the Judiciary Committee.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 53, reported by the Committee of the Whole, was referred to the Judiciary Committee.

Assembly Bill No. 58—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities.

Substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

Amendments reported by the Judiciary Committee adopted, rules suspended, the bill considered engrossed, read a third time, and passed.

At eleven o'clock and fifty-four minutes A. M., on motion of Mr. Bowers, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORT.

The Speaker presented to the House a report from the Surveyor General, relative to surveys of swamp and overflowed lands which are not shown to be such.

Referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Concurrent Resolution No. 13—for the reestablishment of a mail route from Redding, via Shasta, Whiskytown, Tower House, French Gulch, Mountain House, Trinity Valley, Trinity Center, Carr's Ranch, New York Ranch, Calla-

han's Ranch, McBride's Ranch, Etna Mills, Crystal Creek, Scott Valley, Fort Jones, Gordon's Mills, and Forest House, to Yreka;

Also, Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County;

Also, Assembly Bill No. 122—An Act for the refunding of the bonded indebtedness of the County of Santa Cruz;

Also, Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County;

Also, Assembly Bill No. 132—An Act amendatory of an Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County;

And that the same have this twenty-third day of January, eighteen hundred and seventy-four, at eleven o'clock and ten minutes A. M., been transmitted to the Governor, for his approval.

HAY, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs Coggins, Norton, and Vandall, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Bowers, Bradley, Byers, Canfield, Carter, Chandler, Cressler, Fahey, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Higbie, Howe, Hurlburt, Ingham, Klotz, Knox, Long, McBride, McCallum, Meyers, Morgan, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Russell, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Winchell, and Wright—48.

NOES—Messrs. Aldrich, Barton, Bryan, Burt, Coggins, Cowdery, Escandon, Freeman, Freidenrich, Giffen, Hamill, Hill, Kercheval, Norton, Pelham, Rogers, Roush, Simpers, Swift, Vandall, and Mr. Speaker—21.

Assembly Bill No. 106—An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank any deposit in such bank, where the same does not exceed the sum of three hundred dollars.

Amended, and ordered engrossed.

Assembly Bill No. 109—An Act to amend class nine and add class ten to section thirty-three hundred and eighty-two of the Political Code.

Amended, and ordered engrossed.

Assembly Bill No. 111—An Act to amend the Political Code, by adding sections thirty-two hundred and forty-six, thirty-two hundred and forty-seven, and thirty-two hundred and forty-eight, regulating hours of labor in certain cases.

The bill was amended, and upon its engrossment the ayes and noes were demanded by Messrs. Murphy, Coggins, and Fahey, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bowers, Bradley, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Meyers, Morgan, Murphy, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Vandall, Venable, Wickware, Winchell, Wright, and Mr. Speaker—66.

**NOES**—Messrs. Aldrich, Bryan, McCallum, Northcutt, and Tinnin—5.

The title was amended, and the amendment adopted.

Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno.

Ordered engrossed.

Assembly Bill No. 150—An Act to prohibit the carrying of concealed weapons.

Mr. Rogers moved to strike out the enacting clause of the bill, upon which the ayes and noes were demanded by Messrs. Swift, Hill, and Wickware, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Coggins, Davis, Escandon, Freidenrich, Giffen, Gurnett, Hill, Howe, Kercheval, Klotz, Long, McCallum, Meyers, Murphy, Norton, Parker, Patterson, Paulsell, Pelham, Rogers, Roush, Russell, Simpers, Snyder, Terrill, Tinnin, Thomas, Tully, Vandall, Winchell, and Wright—38.

**NOES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Carter, Chandler, Cressler, Fahey, Franck, Freeman, Ferguson, Gilmore of Calaveras, Gray, Hamill, Hammitt, Hay, Higbie, Hurlburt, Knox, McBride, Morgan, Northcutt, Pishon, Rea, Stowers, Swift, Venable, Wickware, and Mr. Speaker—29.

Mr. Murphy gave notice that he would, on to-morrow, move to reconsider the vote by which the enacting clause was stricken out of Assembly Bill No. 150—An Act to prohibit the carrying of concealed weapons.

Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter.

On motion, the House went into Committee of the Whole for the consideration of the bill.

[Mr. Bowers in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Estee, the committee arose, and reported the bill back to the House, with the recommendation that it pass.



## IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 151, reported from Committee of the Whole, was ordered engrossed.

At four o'clock P. M., on motion of Mr. Swift, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, January 24th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted Messrs. Clark, Howe, and Dixon, for one day.

## COMMITTEE.

The Speaker announced the appointment of the following Joint Committee on Woman Suffrage: Messrs. Aldrich, Coggins, and Higbie.

## REPORT.

By Mr. Tully:

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 187—An Act to create the County of Summit, establish the boundaries thereof, and to provide for its organization—have had the same under consideration, and beg leave to submit the following report:

The bill proposes simply a division of Siskiyou County into two counties, by the creation and organization of a new county government in the eastern half thereof. The County of Siskiyou is very large, and, as it appears, naturally divided into two almost separate and distinct communities by its peculiar topography; and the people residing in the eastern and western halves, respectively, are separated by natural barriers, such as mountain ranges—snow-clad most of the year—and other obstacles to social and commercial intercourse, as to render their intercourse, politically and otherwise, onerous and burdensome in the extreme. There appears to be no opposition to this proposed division by the people of Siskiyou County. The respective delegations from that and adjacent counties, all agree as to the propriety of creating the new

county. Their ability to sustain a local government seems to be conceded, and their necessities to require this separation.

Your committee, therefore, report the bill back, with a unanimous recommendation that it do pass.

TULLY, Chairman.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, in response to the resolution offered by the gentleman from San Diego (Mr. Bowers), and passed by the House on the twenty-third instant, calling for information concerning "all complaints laid before the committee, showing instances of 'malpractice' on the part of the railroad management" that have been made to the committee, in pursuance of an invitation extended to all having such complaints to make, by a former resolution of the House, beg leave to report as follows:

This committee has not been notified of the passage by the House of any resolution directing it to ask for or to receive complaints of "malpractice" on the part of the railroad, or its managers; nor is it aware that any of the members of that corporation belong to the medical profession, if that be the meaning to be placed upon the resolution of the twenty-third instant.

If, however, it is intended to refer to the resolution passed by this House on the twelfth day of December, "inviting publishers of newspapers and others to furnish this committee with any substantial facts or circumstances, that might have come under their observation, in regard to any discrimination of the charges on freights and fares by the railroad companies of this State," this committee respectfully report to the House that the attention of the members of the committee has been called to many most aggravated instances, which, if true, were most unjust and oppressive discriminations in freight charges practiced upon citizens of this State by the railroad management—in most cases palpably intended as measures of vindictive punishment, inflicted upon them for running counter to railroad interests, especially in matters of independent political action; but such communications have been, in every instance, of a confidential character, and in most cases not made until after exacting, for obvious reasons, a promise of the strictest secrecy.

Your committee, therefore, respectfully submit to the House the impropriety, and, indeed, the flagrant injustice of calling upon, or even permitting, the committee to disclose the names of those unfortunate persons, until such time as laws can be passed to protect them in their business and property rights from the anger of the railroad corporation, now so powerful in this State.

The committee feel that it is only just to the railroad management to say that they find the most of these oppressive acts to have occurred at a period dating back, in most cases, over a year ago, and that there is a marked improvement in that respect within the last few months.

SWIFT, Chairman.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education, to whom was referred the Memorial of California State Grange and the Mechanics' Deliberative Assembly on the State University, report that we have carefully examined the same, and find it a comprehensive and important document. Its main points are:

First—That the interests of the people of this State require that greater efficiency be given to the agricultural, mechanical, and other industrial instructions in the University.

Second—The leading object in the establishment of the University was to promote a liberal and practical education among the industrial classes, in their several pursuits.

Third—That only one twentieth of the appropriation is now devoted to instruction in that direction.

Fourth—That out of ten (10) professors and eight (8) assistants, there is only one professor for agriculture, agricultural chemistry, and horticulture.

Fifth—That this defect should be remedied.

Sixth—That a sufficient appropriation should be made to erect a commodious farm house, to be occupied by the Professor of Agriculture, and put the University grounds in a condition to practically illustrate the subjects taught in the department of agriculture.

Seventh—That the present law be so modified and changed as to create a State Board of Education, having charge of the University, the Normal School, and other public schools, and to consist of fifteen (15) Regents, representing the various industries, interests, occupations, and professions of the citizens of the State.

Eighth—That the law requiring the Secretary of the Board of Regents to be a practical farmer, and to reside on the University grounds, has been, hitherto, disregarded.

Ninth—That the people of the State know but very little as to the amount of University land disposed of, the amount received for the same, or how appropriated.

Tenth—That a University Special Committee be appointed by the Speaker of the House, to examine fully, minutely, and impartially into the location and present condition of all lands donated to California for the purpose before stated, the amount received for the sale of the same, and how expended.

Eleventh—That this Legislature pass an Act providing for the settlement of differences between the Board of Regents and contestants for the University lands.

Twelfth—That all the University funds be kept in the State Treasury, and drawn in the usual way.

Lastly—That the University should send forth farmers and mechanics as thoroughly scientific in these departments as in any of the other pursuits of life.

Upon a careful consideration of the whole matter involved in this memorial, your committee would recommend:

First—The appointment of the committee asked for to make the required investigation.

Second—That such changes and modifications be made in the law as shall be necessary to create a State Board of Education, to have in charge the University, the Normal School, and the other public schools.

HIGBIE, Chairman.

By Mr. Higbie:

MR. SPEAKER: Your Committee on Education, to whom was referred Assembly Bill No. 46, in relation to public schools, report the same

back, with amendment to section sixteen hundred and sixty-two, and recommend the passage of the bill as amended.

HIGBIE, Chairman.

By Mr. Vandall:

Mr. SPEAKER: Your Committee on Public Printing have had under consideration Resolution No. —, relative to printing Assembly Bill No. 178, also, Resolution No. —, relative to printing Assembly Bill No. 173. These bills are local, but involving great interests, therefore we, your committee, recommend the passage of the resolutions, and that the bills be printed.

B. C. VANDALL,  
Chairman.

#### RESOLUTIONS.

*Resolved*, That the usual number of copies of the bill authorizing the purchase of sites, and the issuing of bonds for the building of school buildings in San Francisco, be printed.

Adopted.

*Resolved*, That the usual number of copies of Assembly Bill No. 173, be printed—An Act concerning public reservations in the City and County of San Francisco.

Adopted.

#### REPORTS.

By Mr. Cowdery:

Mr. SPEAKER: The Judiciary Committee, to whom was referred Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code—report the same back, and recommend its passage.

COWDERY,  
For Committee.

By Mr. Thomas:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Senate Bill No. 139—An Act to amend an Act to incorporate the Town of Watsonville—having had the same under consideration, would report it back, and recommend its passage.

THOMAS, for Delegation.

By Mr. Gray:

Mr. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County—have had the same under consideration, and report it back, with the recommendation that it pass.

CLARK, for Delegation.

By Mr. Hay:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 195—An Act to amend section seventeen of an Act entitled an Act to regulate fees of office and salaries of certain officers,

and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—have had the same under consideration, and hereby report the same back, and recommend its passage.

HAY, for Delegation.

On motion of Mr. Hay, the rules were suspended for the consideration of Assembly Bill No. 195, above reported.

The House refused to order the bill engrossed.

#### NOTICE.

Mr. Gurnett gave notice that he would, on to-morrow, move to reconsider the vote by which the House refused to order to engrossment Assembly Bill No. 195.

#### RECONSIDERATION.

Pursuant to notice, Mr. Murphy moved to reconsider the vote by which the House, on yesterday, struck out the enacting clause of Assembly Bill No. 150—An Act to prohibit the carrying of concealed weapons.

Carried.

Mr. Murphy had leave to withdraw the bill.

On motion of Mr. Meyers, the House took from the table the resolution for the appointment of an Assistant Copying Clerk.

Mr. Cowdery moved to amend the resolution by inserting "two clerks" instead of "one."

Adopted.

Upon the adoption of the resolution, as amended, the ayes and noes were demanded by Messrs. Burt, Vandall, and Ables, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Byers, Byrnes, Canfield, Coggins, Cowdery, Cressler, Davis, Escandon, Fahy, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Hay, Higbie, Hill, Ingham, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pishon, Rogers, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Winchell, Wright, and Mr. Speaker—61.

NOES—Messrs. Aldrich, Bradley, Burt, Carter, Chandler, Heald, Hurlburt, Kercheval, Paulsell, Pelham, Rea, Roush, and Vandall—13.

#### REPORT.

By Mr. Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 73—beg leave to report that they have considered the same, and report it back to the House, and recommend that it do not pass.

Also, Assembly Bill No. 38—and return it, with a substitute, and recommend the passage of the substitute.

KERCHEVAL, Chairman.

## RESOLUTIONS.

By Mr. Hay:

*Resolved*, That the Enrolling Clerk be authorized to appoint two assistants, at the same per diem allowed Assistant Engrossing Clerks.

Referred to Committee on Rules and Employés.  
By Mr. Tully:

*Resolved*, That the usual number of Governor Booth's biennial message, and of the reports of the State Controller, the Treasurer, the Surveyor General, the State Board of Education, and the State Superintendent of Public Instruction, be printed in Spanish.

Laid on the table for one day.

*Resolved*, That a committee of three be appointed by the Speaker to investigate the charges made against the railroads in this State in relation to discriminations being made between persons in relation to freights and fares.

Lost.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
January 23d, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 135—An Act to amend an Act entitled an Act for the relief of Morris Wolf, approved March fourth, eighteen hundred and seventy-two.

Also, Substitute for Senate Bill No. 124—An Act to repeal an Act concerning roads and highways in Tuolumne County.

Also, on this twenty-third day of January, concurred in Assembly amendment to Senate Bill No. 39—An Act to amend an Act entitled an Act to authorize and direct the County Judges of the counties of this State to execute certain trusts in relation to the town lands granted to the incorporated towns in this State, by the Act of Congress entitled an Act for the relief of the inhabitants of cities and towns upon the public lands, approved March second, eighteen hundred and sixty-seven, approved March thirtieth, eighteen hundred and sixty-eight.

Also, passed Assembly Bill No. 70—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

Also, adopted Assembly Concurrent Resolution No. 20—relative to the turning the San Diego River.

Also, indefinitely postponed Assembly Concurrent Resolution No. 29—granting leave of absence to George J. Bennett, County Recorder of Contra Costa County.

Also, indefinitely postponed Assembly Concurrent Resolution No. 28—to grant leave of absence to William Schneider, County Treasurer of Butte County.

Also, adopted Senate Concurrent Resolution No. 33—relative to inserting a title in Senate Bill No. 16.

Also, adopted Assembly Concurrent Resolution No. 22—providing for a joint committee to consider the memorial from the Woman's Suffrage Association of California—and the President appointed on part of the Senate, Messrs. Finney and Goodale.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
January 23d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of January, A. D. eighteen hundred and seventy-four, passed Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Also, adopted Assembly Concurrent Resolution No. 7—relative to granting pensions to the soldiers of the Mexican War.

Also, adopted Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River.

Also, passed Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
January 23d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of January, A. D. eighteen hundred and seventy-four, passed Assembly Bill No. 65—An Act to amend the Penal Code by adding a new section, to be known as section four hundred.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bill No. 124, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate Bill No. 135, above reported, read first and second times, and referred to the Committee on Claims.

Senate Joint Resolution No. 33, above reported, read first and second times, and adopted.

#### NOTICES.

By Mr. Snyder, of a bill to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, eighteen hundred and seventy-two.

Also, of a bill to regulate the rates of interest charged by pawn-brokers.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Heald—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Read first and second times, and referred to the Committee on Education.

By Mr. Klotz—An Act in relation to the swamp and overflowed lands of this State.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Kercheval—An Act to repeal an Act in relation to the President and Clerk of the Board of Supervisors of the County of Sacramento, passed March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Swift—An Act concerning certain lands situate within and belonging to the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Barton—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Coggins—An Act to provide for the election of certain officers and to reduce certain salaries, in the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Patterson—An Act prohibiting private contracts for convict labor in the State Prison.

Read first and second times, and referred to the Committee on State Prison.

By Mr. Norton—An Act to amend the Political Code.

Read first and second times, and referred to a special committee of five, consisting of Messrs. Norton, Fahey, Northup, Russell, and Bradley.

#### RESOLUTION.

By Mr. Norton:

*Resolved*, That nine hundred and sixty copies of Assembly Bill No. — An Act to amend the Political Code—be printed.

Laid on the table for one day.

#### GENERAL FILE.

Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Read third time, and passed.

Senate Bill No. 138—An Act to amend section sixty-seven of the Code of Civil Procedure.

Read third time, and passed.



Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Ordered engrossed.

Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Ordered engrossed.

[Mr. Cowdery in the chair.]

Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Amended, and ordered engrossed.

[Speaker in the chair.]

#### RESOLUTION.

By Mr. Paulsell:

*Resolved*, That when this House adjourns to-day, it adjourns to meet at half-past two o'clock P. M., on Monday, the twenty-sixth instant.

Adopted.

Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work done in said city and county.

At eleven o'clock and fifty-eight minutes A. M., on motion of Mr. Barton, the hour for recess was continued until twelve o'clock and fifteen minutes P. M.

Amendments reported by the San Francisco delegation, to Assembly Bill No. 75, were adopted, rules suspended, bill considered engrossed, read third time, and passed.

At twelve o'clock and two minutes P. M., on motion of Mr. Swift, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### LEAVE OF ABSENCE.

Mr. Ferguson was granted leave of absence for one day.

#### SPECIAL ORDER.

The Speaker announced as the special order, the consideration of Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California

[Mr. Meyers in the chair.]

Mr. Tinnin moved to amend section one, by striking out, in line four of the printed bill, the word "three," and inserting the word "four."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Murphy, Tinnin, and Swift, and the House refused, by the following vote:

AYE—Mr. Tinnin—1.

NOES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Winchell, Wright, and Mr. Speaker—72.

Mr. Hill moved to amend section two by striking out the word "fifty," in line four of the bill, and wherever else it may occur in that section, and inserting the word "twenty-five."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Amerman, Hay, and Murphy, and the House refused, by the following vote:

AYES—Messrs. Burt, Coggins, Davis, Hill, Murphy, Northup, Norton, Pelham, Summers, and Mr. Speaker—10.

NOES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Byers, Byrnes, Canfield, Carter, Chandler, Cowdery, Cressler, Dixon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Hay, Heald, Higbie, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Morgan, Northcutt, Parker, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Winchell, and Wright—61.

Mr. Ferguson moved to amend section six by adding at the end thereof the following: "*Provided*, said loading or unloading is done at points where the company has regular stations."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Amerman, Northup, and Klotz, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Bradley, Bryan, Byers, Byrnes, Canfield, Carter, Cressler, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, McBride, McCallum, Meyers, Miller, Morgan, Northup, Norton, Parker, Peek, Pelham, Pishon, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Winchell, Wright, and Mr. Speaker—55.

NOES—Messrs. Ables, Barton, Burt, Chandler, Coggins, Cowdery, Franck, Freeman, Freidenrich, Knox, Murphy, Northcutt, Paulsell, Rea, Rogers, Swift, and Vandall—17.

At three o'clock P. M., Mr. Northcutt moved to adjourn.

Lost.

Mr. Paulsell moved to amend section six as follows: "*Provided, further*, that in all cases where entire car-loads of freight are loaded by the shipper, the rates charged shall be fifteen cents per ton less than the rates allowed in section one of this Act."

Upon the adoption of the proposed amendment, the ayes and noes were demanded by Messrs. Ferguson, Klotz, and Snyder, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Barton, Burt, Coggins, Cowdery, Davis, Freeman, Freidenrich, Hurlburt, Knox, Murphy, Norton, Paulsell, Rogers, Roush, Russell, and Terrill—17.

**NOES**—Messrs. Aldrich, Amerman, Bowers, Bradley, Bryan, Byers, Byrnes, Canfield, Carter, Chandler, Cressler, Dixon, Escandon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Garnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Ingham, Kercheval, Klotz, McBride, McCallum, Meyers, Miller, Morgan, Northcutt, Northup, Parker, Peek, Pelham, Pishon, Rea, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Winchell, Wright, and Mr. Speaker—56.

Mr. Estee offered the following amendment to section nine:

Amend section nine, after the word "railroad," line five, by adding the following: "*Provided*, that no ferry, railroad, or other transportation company or companies, person or persons, shall charge or collect a greater sum than fifteen (15) cents for each passenger transported from San Francisco to Oakland, Brooklyn, and Alameda Point, or from Oakland, Brooklyn, or Alameda Point, to San Francisco."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Murphy, Tully, and Klotz, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Coggins, Cressler, Davis, Fahey, Freidenrich, Giffen, Gilmore of El Dorado, Garnett, Hamill, Hammitt, Heald, McBride, McCallum, Murphy, Paulsell, Rogers, Simpson, Terrill, Welch, and Mr. Speaker—21.

**NOES**—Messrs. Ables, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Cowdery, Dixon, Escandon, Franck, Freeman, Ferguson, Gilmore of Calaveras, Hay, Higbie, Hurlburt, Ingham, Kercheval, Klotz, Knox, Meyers, Miller, Morgan, Norton, Parker, Peek, Pelham, Pishon, Rea, Roush, Russell, Simpers, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Vandall, Venable, Winchell, and Wright—47.

At three o'clock and thirty-five minutes p. m., Mr. Ferguson moved to adjourn, upon which the ayes and noes were demanded by Messrs. Swift, Ferguson, and Ables, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Barton, Byers, Byrnes, Escandon, Fahey, Ferguson, Giffen, Gilmore of El Dorado, Garnett, Hamill, Higbie, Hill, Hurlburt, Ingham, McBride, Meyers, Miller, Morgan, Parker, Paulsell, Pishon, Simpers, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, Venable, Winchell, and Wright—32.

**NOES**—Messrs. Ables, Bowers, Bradley, Burt, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Hammitt, Hay, Heald, Kercheval, Klotz, Knox, McCallum, Murphy, Northup, Norton, Peek, Pelham, Rea, Rogers, Roush, Russell, Simpson, Swift, Terrill, Vandall, Welch, and Mr. Speaker—38.

Mr. Hammitt moved to amend section nine, as follows: Strike out in line two, all after the word "corporations" to and including the word "waters," in line three.

Lost.

At three o'clock and forty-five minutes P. M., Mr. Ingham moved to adjourn, upon which the ayes and noes were demanded by Messrs. Cowdery, Ables, and Kercheval, and the House refused, by the following vote:

AYES—Messrs. Barton, Escandon, Ferguson, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Higbie, Hurlburt, Ingham, McCallum, Meyers, Morgan, Parker, Paulsell, Pishon, Simpers, Stowers, Summers, Tinnin, Tully, Venable, and Winchell—23.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Burt, Byers, Byrnes, Canfield, Chandler, Coggins, Cowdery, Cressler, Dixon, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Hay, Heald, Kercheval, Klotz, Knox, McBride, Murphy, Northup, Norton, Peek, Pelham, Rea, Rogers, Roush, Russell, Simpson, Snyder, Swift, Terrill, Vandall, Wright, and Mr. Speaker—41.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Swift, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTER,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, January 26th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday, January twenty-fourth, read and approved.

## LEAVE OF ABSENCE.

Mr. Simpers was granted indefinite leave of absence.

## PETITION.

By Mr. Bowers—Petition from citizens of San Diego against the repeal of the No Fence Law, in San Diego County.

Referred to the Committee on Agriculture.

## REPORTS.

By Mr. Freidenrich:

Mr. SPEAKER: Your committee to whom was referred Senate Joint Resolution No. 30—relative to the establishment of an Indian Reserva-

tion in Siskiyou County—beg leave to report that they have had the same under consideration, and report it back, with a recommendation that it pass.

FREIDENRICH, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary, under instructions from the House, report back Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California—amended.

WILLIAMS, Chairman.

By Mr. Coggins:

MR. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 37—An Act to amend an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two—and report the same back, with a recommendation that it do not pass.

COGGINS, for Delegation.

By Mr. Snyder:

MR. SPEAKER: The Mariposa delegation, to whom was referred Assembly Bill No. 77—An Act authorizing the Board of Supervisors of Mariposa County to levy an additional tax for county purposes—beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County—beg leave to report the same back, with amendments, and recommend its passage as amended.

SNYDER, for Delegation.

By Mr. Bradley:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 191—An Act to provide for the protection of lands from overflow, in the County of Yuba—having had the same under consideration, would herewith report it back, with an amendment, and recommend its passage as amended.

BRADLEY, for Delegation.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having considered Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 72—An Act to amend an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two—which is reported back, with the recommendation that it be referred to the Los Angeles delegation.

FREEMAN, Chairman.

Senate Bill No. 72, above reported, was referred to the Los Angeles delegation.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 24th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 132—An Act amendatory of an Act entitled an Act relating to the Boards of Supervisors of the Counties of Napa and Mendocino, approved April fourth, eighteen hundred and sixty-four, so far as the same applies to or affects Mendocino County.

Also, Assembly Bill No. 95—An Act to change the orthography of the name of a town in Shasta County.

Also, Assembly Bill No. 122—An Act providing for the refunding of the bonded indebtedness of the County of Santa Cruz.

NEWTON BOOTH,  
Governor.

## REPORTS.

Reports were submitted, as follows:

By Mr. Dixon:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 168, report that they have had the same under consideration, and unanimously recommend its passage.

DIXON, for Delegation.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 24, beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

SWIFT, Chairman.

## RESOLUTION.

By Mr. Russell:

*Resolved*, That the Engrossing Clerk be authorized to appoint four assistants, to be paid the same as the other clerks in that department.

Referred to the Committee on Rules and Employés.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
January 24th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 25—An Act

to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Santa Barbara, San Luis Obispo, and Monterey.

Also, passed Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 25, above reported, Senate amendments to title and sections two, three, four, seven, eight, nine, and eleven concurred in by the House, and the House refused to concur in four amendments, and adopted one amendment to section twelve.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 26th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Substitute for Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

Also, passed Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

Also, passed Assembly Bill No. 64—An Act for the relief of Round Valley School District, Inyo County.

Also, passed Senate Bill No. 125—An Act to make applicable to the County of Tulare, an Act entitled an Act to regulate the traveling fees of the Sheriff of Kern County.

Also, passed Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Also, passed Senate Bill No. 100—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate fees and salaries of officers, and defining their duties, in the County of El Dorado.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Substitute for Senate Bill No. 30, above reported, read first and second times, and referred to the Santa Barbara delegation.

Senate Bill No. 84, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 125, above reported, read first and second times, and referred to the Kern and Tulare delegation.

Senate Bill No. 95, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 100, above reported, read first and second times, and referred to the El Dorado delegation.

#### NOTICES.

By Mr. Murphy, of a bill to provide for furnishing the various Justices of the Peace of the State of California with a copy of the Codes.

By Mr. Howe, of a bill to redistrict the City and County of San Francisco, and provide for the election of Supervisors therein.

By Mr. Meyers, of a bill entitled an Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Murphy—An Act to abolish capital punishment.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Terrill—An Act to amend an Act entitled an Act repealing Article IV of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, and all Acts and parts of Acts amendatory thereof and supplementary thereto, and substituting this Act for said Article IV, approved April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Bowers—An Act to amend an Act entitled an Act to protect agriculturo, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Read first and second times, and referred to the San Diego and Los Angeles delegations.

By Mr. Pishon—An Act to regulate official fees and salaries in the County of San Bernardino.

Read first and second times, and referred to the San Bernardino delegation.

By Mr. McCallum—An Act to create the Twenty-first Judicial District, and for other purposes.

Read first and second times, and referred to the Mendocino, Lake, Sonoma, Marin, Napa, and Solano delegations.

By Mr. Snyder—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Mariposa delegation.

By Mr. Hammitt—An Act to grant leave of absence to George J. Bennett, Recorder and Auditor of Contra Costa County.

Read first and second times, and referred to the Contra Costa delegation.

By Mr. Kercheval—An Act to repeal an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.



Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Coggins—An Act fixing the name of a certain body of water in Alameda County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Northcutt—An Act to prevent fraudulent sales of merchandise.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Senate Bill No. 73—An Act to provide for the payment of interest on Trustees' orders against certain swamp land districts.

House refused to pass the bill.

Senate Bill No. 139—An Act to amend an Act entitled an Act to incorporate the Town of Watsonville, Santa Cruz County, California, approved March thirtieth, eighteen hundred and sixty-eight.

Read third time, and passed.

Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of San Antonio Creek, in the County of Alameda.

Recommitted to the Alameda delegation.

Assembly Bill No. 177—An Act to reincorporate the City of Napa.

Ordered engrossed.

Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Ordered engrossed.

#### NOTICES.

Mr. Murphy gave notice that he would, to-morrow, move to reconsider the vote by which the House refused to concur in Senate amendments to section twelve of Assembly Bill No. 25.

Pursuant to notice, Mr. Gurnett moved to reconsider the vote by which the House refused to order engrossed Assembly Bill No. 195.

The motion prevailed, and Mr. Franck had leave to withdraw the bill.

At four o'clock and thirty minutes P. M., Mr. Thomas moved to adjourn.

Lost.

On motion of Mr. Clark, Assembly Bill No. 46—An Act to amend sections sixteen hundred and sixty-two, sixteen hundred and sixty-five, sixteen hundred and sixty-nine, sixteen hundred and seventy, and sixteen hundred and seventy-one of the Political Code—was re-referred to the Committee on Education.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Gurnett, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, January 27th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

By Mr. Bowers—Petition from citizens of San Diego asking repeal of the "No-fence law."

Referred to the Committee on Agriculture.

## REPORTS.

Reports were submitted, as follows:

By Mr. Higbie:

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 46, report the same back, without recommendation.

HIGBIE, Chairman.

By Mr. Tully:

MR. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California—have had the same under consideration, and report the same back, with a recommendation that it pass.

TULLY, for Delegation.

By Mr. Rogers:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco—have had the same under consideration, and a majority of said delegation report as follows:

That the Board of Supervisors of the City and County of San Francisco, by resolution, did, on the twenty-fourth day of May, eighteen hundred and sixty-nine, duly appoint George Bordwell an architect to superintend the construction of said bridge and flight of stairs, provided for by an Act of the Legislature, the compensation to be ascertained by the Commissioners, to be appointed by the provisions of said Act of the Legislature, and the amount of said compensation to be included as part of the expenses of said improvement; that the said Board, by resolution, did approve and adopt the plans and specifications proposed by said George Bordwell; that the Commissioners, under said Act of the Legislature, did ascertain and determine the amount of compensation to be

paid to said George Bordwell; but in proceedings had in the matter of said construction and modification of grades, as provided in said Act of the Legislature, the County Court of said city and county did disallow the claim of said architect.

The majority of said delegation, therefore, report that, although the claim of said architect may not be a legal and valid claim against said city and county, yet the facts show that it constitutes an equitable claim, and that a fair compensation for the services rendered should be made; we therefore report the said bill back with an amendment, and recommend its passage as amended.

ROGERS,  
For Majority of Delegation.

By Mr. Swift:

Mr. SPEAKER: The following members of the San Francisco delegation, constituting a minority thereof, having considered Assembly Bill No. 138—An Act entitled an Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco, do make the following minority report to this House, to wit:

That said bill, in the preamble, sets forth certain facts, upon which the Legislature is asked to pass, especially the supposed fact that said George Bordwell did perform certain services in and about the superintendence of the construction of the bridge and stairs at the Second street Cut; that the determination of said fact is a judicial question, and ought not to be passed upon by this House without evidence; that no testimony or evidence has been offered in support of said supposed fact, and, therefore, is not proved.

Second—That there is no evidence that the City and County of San Francisco was ever liable in any manner for the services of said architect, Bordwell.

Third—That in our opinion said supposed services were rendered with the understanding that payment therefor was to be obtained from the property owners upon Second street, fronting upon the said cut, and not from said city and county.

Wherefore, we recommend to this House that said Assembly Bill No. 138 do not pass.

SWIFT,  
ALDRICH,  
VANDALL,  
M. M. ESTEE.

By Mr. Hammitt:

Mr. SPEAKER: The delegation to whom was referred Assembly Bill No. 212, have considered the same, and beg leave to report the same back, and recommend its passage.

A. W. HAMMITT.

By Mr. Gray:

Mr. SPEAKER: The Committee on Public Lands, to which was referred Assembly Concurrent Resolution No. 21—asking Congressional relief for A. B. Gilbert—have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, Chairman.

## MOTIONS AND RESOLUTIONS.

On motion of Mr. Norton, the House took from the table the resolution relative to printing nine hundred and sixty copies of Assembly Bill No. 205—An Act to amend the Political Code.

The resolution was adopted.

By Mr. Norton—Concurrent Resolution relative to printing two thousand five hundred copies of the address delivered by Professor D. C. Gilman, before the Legislature, at the Assembly Chamber, on the evening of January twenty-sixth, eighteen hundred and seventy-four.

Laid on the table for one day.

On motion of Mr. Tully, the House took from the table the resolution to print reports of certain State officers in Spanish.

Mr. Tully had leave to withdraw the resolution.

By Mr. Bradley:

*Resolved*, That the Engrossing Clerk be authorized to insert an enacting clause in Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of houses of ill-fame.

Adopted.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
January 27th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of January, A. D. eighteen hundred and seventy-four, adopted Senate Joint Resolution No. 36—relative to translating the laws into Spanish.

IRA H. REED,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Joint Resolution No. 36, above reported, read first and second times, and adopted.

## INTRODUCTION OF BILLS.

By Mr. Vandall—An Act to protect the public funds of the State.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Patterson—An Act to provide for utilizing the labor of convicts in the State Prison of this State.

Read first and second times, and referred to the Committee on State Prison.

Also, an Act to prevent discrimination in places of public amusement.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Howe—An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Patterson—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

#### GENERAL FILE.

Assembly Bill No. 27—An Act to provide for the preservation and distribution of the Supreme Court Reports of the State of California.

The House refused to pass the bill.

#### REPORT.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 155—An Act to incorporate Salinas City.

Also, Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Also, Assembly Concurrent Resolution No. 24—relative to instructing our Senators in Congress to oppose the passage of any law giving to railroad companies or corporations title to any lands, whether agricultural or mineral.

Also, Substitute for Assembly Bill No. 58—An Act to enable the Board of Supervisors of Alameda County to erect county buildings in certain localities.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Senate Joint Resolution No. 30—relative to the establishment of an Indian Reservation in Siskiyou County.

Read third time, and passed.

Senate Bill No. 37—An Act to amend an Act entitled an Act to establish and maintain a dispensary in the City of Sacramento, approved March twenty-third, eighteen hundred and seventy-two.

The House refused to pass the bill.

Assembly Bill No. 38—An Act to repeal an Act entitled an Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, approved April first, eighteen hundred and seventy-two, and for other purposes.

Referred to the Judiciary Committee.

Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Ordered engrossed.

Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Ordered engrossed.

Assembly Bill No. 187—An Act to create the County of Summit, to establish the boundaries thereof, and to provide for its organization.  
Ordered engrossed.

#### COMMITTEE.

The Speaker announced the appointment of the following Committee on Spanish Translation: Messrs. Amerman, Rogers, and Stowers.

#### GENERAL FILE RESUMED.

Assembly Bill No. 24—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a Labor School in and for said city and county.

Substitute adopted, rules suspended, the bill considered engrossed, read third time, and passed.

[Mr. Howe in the chair.]

#### MESSAGE FROM THE SENATE.

On motion of Mr. Rogers, the House took up for consideration Senate message, as follows:

SENATE CHAMBER,  
January 27th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, this day, passed Senate Bill No. 175—An Act to amend section twelve hundred and seventy-five of the Civil Code.

IRA H. REED,  
Assistant Secretary.

Senate Bill No. 175, above reported, read first and second times, rules suspended, read a third time, and passed.

Assembly Bill No. 77—An Act authorizing the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Substitute adopted, rules suspended, the bill considered engrossed, read a third time, and passed.

Mr. Swift gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed Senate Bill No. 175.

Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County.

Amendments adopted, rules suspended, the bill considered engrossed, read a third time, and passed.

By unanimous consent, and on motion of Mr. Swift, the vote by which the House passed Senate Bill No. 175, was reconsidered, the bill was amended, read a third time, and passed.

[Speaker in the chair.]

At eleven o'clock and fifty-five minutes P. M., on motion of Mr. Murphy, the hour for taking a recess was extended fifteen minutes.

Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

The bill was made the special order for to-morrow, at one o'clock P. M.  
At twelve o'clock and ten minutes P. M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Mr. Vandall offered the following additional section to the bill:

"Section 13. Nothing in this Act shall be so construed as to allow any higher tariffs and rates of freight, passage money, commutation rates and charges, than such rates and charges as were granted and enforced against the most favored shippers and passengers prior to January first, eighteen hundred and seventy-four."

Upon the adoption of the section, the ayes and noes were demanded by Messrs. Snyder, Hay, and Bowers, and the House refused, by the following vote:

AYES—Messrs. Howe, Simpson, Terrill, and Vandall—4.

NOES—Messrs. Ables, Aldrich, Burton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—74.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Terrill, Hay, and Paulsell, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Vandall, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—68.

NOES—Messrs. Bowers, Carter, Clark, Gurnett, Higbie, Klotz, Long, Peek, and Venable—9.

On motion of Mr. Swift, Assembly Bill No. 2 was made the special order for Thursday next, at one o'clock P. M.

## REPORT.

By Mr. Murphy:

MR. SPEAKER: The Committee on Public Expenditures and Accounts beg leave to report that they have examined the following bills and accounts, found them correct, and recommend that they be paid:

TO WHOM DUE.	Amount.
John J. Cass.....	\$83 25
Shop and Senate.....	10 00
Resources of California.....	6 00
Daily San Francisco Chronicle.....	191 25
Weekly San Francisco Chronicle.....	12 00
Daily Sacramento Record.....	130 50
Inyo Independent.....	12 00
Home Journal.....	1 00
San José Mercury.....	46 00
Mountain Democrat.....	36 00
Santa Barbara Index.....	3 00
Sutter Banner.....	3 00
Los Angeles Star.....	4 00
Truckee Republican.....	12 00
Calaveras Citizen.....	3 00
Trinity Journal.....	6 00
Gilroy Advocate.....	4 50
John Breuner.....	46 00
Alpine Chronicle.....	9 00
Sacramento Daily and Weekly Union.....	146 67
La Cronica.....	3 00
Weekly Herald.....	6 00
Alameda Encinal.....	6 00

MURPHY, Chairman.

*Resolved*, That the Controller be and he is hereby authorized and directed to draw warrants in favor of the persons named in the report of the Committee on Public Expenditures and Accounts, for the sums set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

Adopted.

## GENERAL FILE.

Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Recommitted to the Judiciary Committee.

Pursuant to notice, Mr. Tully moved to reconsider the vote by which the House, on yesterday, refused to concur in Senate amendments to section twelve of Assembly Bill No. 25.



On motion of Mr. Snyder, the motion to reconsider was indefinitely postponed.

On motion of Mr. Freidenrich, the House took up for consideration Assembly Bill No. 113—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure.

Recommitted to the Judiciary Committee.

Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County.

Rules suspended, bill considered engrossed, read third time, and passed.

Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba.

Rules suspended, bill considered engrossed, read third time, and passed.

On motion of Mr. Cowdery, Assembly Bill No. 46—An Act to amend sections one thousand six hundred and sixty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, and one thousand six hundred and seventy-one of the Political Code—was made the special order for Friday next, at two o'clock P. M.

#### RESOLUTION.

By Mr. Bradley:

*Resolved*, That the Engrossing Clerk be and he is hereby authorized and directed to engross Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California—out of its regular order, and that the Committee on Engrossment be and they are hereby directed to report back said bill before noon of Thursday next.

Adopted.

At three o'clock and twenty-five minutes P. M., on motion of Mr. Franck, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, January 28th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Tully was recorded as having voted for the passage to engrossment of Assembly Bill No. 2.

#### LEAVE OF ABSENCE.

Mr. Amerman was granted indefinite leave of absence.

## REPORTS.

Reports were made as follows:

By Mr. Meyers:

MR. SPEAKER: The Committee on Rules and Employés, to whom was referred the resolution authorizing the Enrolling Clerk to employ two assistants, at the same per diem allowed Assistant Engrossing Clerks, have considered the same, and report it back, and recommend its passage.

Your committee have also considered the resolution referred to them, authorizing the Engrossing Clerk to appoint four assistants, to be paid the same as the other clerks in that department, and report it back, and recommend that he be allowed to employ two assistants.

SAMUEL MEYERS, Chairman.

*Resolved*, That the Enrolling Clerk be authorized to appoint two assistants, at the same per diem allowed Assistant Engrossing Clerks.

Adopted.

*Resolved*, That the Engrossing Clerk be authorized to appoint two assistants, to be paid the same as the other clerks in that department.

Mr. Barton moved to amend by inserting "four" instead of "two."  
Mr. Terrill offered the following as a substitute:

*Resolved*, That all resolutions heretofore passed by this House, authorizing the employment of assistants for the Engrossing Clerk, be now rescinded, and that all engrossing to be done, which cannot be done by the Engrossing Clerk, be done by the folio, at a price not exceeding fifteen cents per folio; this resolution to take effect on the second day of February next.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Norton, Cressler, and Vandall, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Burt, Canfield, Carter, Cowdery, Cressler, Escandon, Franck, Freeman, Ferguson, Heald, Howe, Knox, Meyers, Morgan, Parker, Paulsell, Pishon, Terrill, Thomas, Vandall, and Welch—22.

NOES—Messrs. Ables, Barton, Bowers, Bradley, Bryan, Byers, Chandler, Coggins, Davis, Dixon, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Norton, Patterson, Peek, Pelham, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—51.

Upon the adoption of the amendment as offered by Mr. Barton, the

ayes and noes were demanded by Messrs. Vandall, Terrill, and Burt, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Byers, Giffen, Gilmore of El Dorado, Hill, Kercheval, Northcutt, and Stowers—8.

**NOES**—Messrs. Ables, Aldrich, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Higbie, Hurlburt, Ingham, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Parker, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—64.

The resolution, as reported by the Committee on Rules and Employés, was adopted.

#### REPORTS.

Reports were made as follows:

By Mr. Snyder:

**MR. SPEAKER:** The Fresno and Mariposa delegations, to whom was referred Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, eighteen hundred and seventy-two—beg leave to report the same back, and recommend its passage.

SNYDER,  
FERGUSON.

By Mr. Tinnin:

**MR. SPEAKER:** Your Committee on Claims, to whom was referred Senate Bill No. 135—An Act to amend an Act for the relief of Morris Wolf—beg leave to report that they have examined the same, and report the same back with an amendment to the title, and recommend the passage of the bill as amended.

TINNIN, Chairman.

By Mr. Pishon:

**MR. SPEAKER:** The San Bernardino delegation, to whom was referred Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino—have had the same under consideration, and recommend its passage.

PISHON, for Delegation.

By Mr. Canfield:

**MR. SPEAKER:** The Kern and Tulare delegations, to whom was referred Senate Bill No. 125, beg leave to report the same back, and recommend its passage.

W. CANFIELD, for Delegation.

## RESOLUTIONS.

By Mr. Coggins:

*Resolved*, That the Committee on Rules and Employés be requested to consider the propriety of having all additional copying which may hereafter become necessary, done by the folio.

Adopted.

By Mr. Ferguson:

WHEREAS, Charges are made by the correspondents of the *San Francisco Examiner* and the *San Francisco Alta*, that gross frauds had been committed by the managers of the Swamp Land Fund of the State prior to eighteen hundred and sixty-eight, and that one hundred and sixty-seven thousand one hundred and fourteen dollars and eighty-four cents of the funds are unaccounted for; therefore, be it

*Resolved*, That a committee of five be appointed by the Speaker of this House to investigate said matters, with power to send for persons and papers, and that they report the result to this House at as early a day as possible.

Adopted.

On motion of Mr. Norton, the House took up for consideration the resolution relative to printing twenty-five hundred copies of Professor Gilman's address

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Murphy, Cressler, and Bowers, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bryan, Canfield, Coggins, Cowdery, Escandon, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gurnett, Hammitt, McCallum, Meyers, Morgan, Northeutt, Norton, Parker, Peek, Rogers, Roush, Snyder, Terrill, Vandall, Wickware, Winchell, Wright, and Mr. Speaker—30.

NOES—Messrs. Bowers, Bradley, Burt, Byers, Chandler, Clark, Cressler, Davis, Dixon, Franck, Giffen, Gilmore of El Dorado, Gray, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Miller, Murphy, Northup, Patterson, Paulsell, Pelham, Pishon, Rea, Russell, Simpser, Simpson, Stowers, Summers, Swift, Tinnin, Tully, Venable, and Williams—42.

Mr. Swift gave notice that he would, on to-morrow, move to reconsider the vote by which the House refused to order printed twenty-five hundred copies of Professor Gilman's address.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
January 27th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, amended and passed Assembly Bill No. 31—An Act to amend a certain section of volume one of the Political Code.

Also, concurred in Assembly amendment to Senate Bill No. 175—An Act to amend section one thousand two hundred and seventy-five of the Civil Code.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 31, above reported, Senate amendments concurred in by the House.

Senate Bill No. 112, above reported, read first and second times, and referred to the Judiciary Committee.

#### RESOLUTION.

By Mr. Long:

*Resolved*, That the Committee on Rules and Employés is hereby authorized and instructed to investigate and report whether any clerk attached to this body receives in any manner any portion of the per diem paid to assistants of said principal.

Adopted.

#### INTRODUCTION OF BILLS.

By Mr. Gray—An Act entitled an Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Butte delegation.

By Mr. Franck—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Pelham—An Act restricting the herding of sheep to certain pastures in Nevada County.

Read first and second times, and referred to the Nevada delegation.

By Mr. Murphy—An Act to prohibit the carrying of concealed weapons

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ables—An Act to fix the salary of the Superintendent of Public Schools of Marin County

Read first and second times, and referred to the Marin delegation.

By Mr. Meyers—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Pishon—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley Mine, in said county.

Read first and second times, and referred to the San Bernardino delegation.

By Mr. Wright—An Act to prohibit the collection of accounts for liquors sold at retail.

Read first and second times, and referred to the Committee on Public Morals.

#### GENERAL FILE.

Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Read third time, and passed.

Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Read third time, and passed.

Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Read third time, and passed.

Assembly Bill No. 155—An Act to incorporate Salinas City.

Read third time, and passed.

Assembly Concurrent Resolution No. 21—asking Congressional relief for A. B. Gilbert.

Ordered engrossed.

Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

At eleven o'clock and fifty-six minutes A. M., on motion of Mr. Terrill, the hour for recess was continued until twelve o'clock and thirty minutes P. M.

[Speaker pro tem. in the chair.]

At twelve o'clock and thirty minutes P. M., on motion of Mr. Murphy, the hour for recess was further extended to twelve o'clock and forty-five minutes P. M.

Upon the motion of Mr. Swift to indefinitely postpone Assembly Bill No. 138, the ayes and noes were demanded by Messrs. Aldrich, Cowdery, and Swift, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Barton, Bowers, Bryan, Byers, Canfield, Carter, Chandler, Cressler, Hammitt, Heald, Kercheval, Klotz, Knox, McBride, Meyers, Swift, Tinnin, Tully, Vandall, Venable, Wickware, and Mr. Speaker—23.

NOES—Messrs. Ables, Burt, Byrnes, Clark, Coggins, Cowdery, Davis, Dixon, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Higbie, Hill, Howe, Long, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Williams, and Wright—44.

On motion of Mr. Murphy, Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—which was made the special order for to-day, at one o'clock P. M., was ordered on File for to-morrow.

On motion of Mr. Tinnin, at twelve o'clock and fifty minutes P. M., the House took a recess for one hour.

## REASSEMBLED.

At two o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called, and a quorum present.

## REPORT.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

BRADLEY, Chairman.

## GENERAL FILE RESUMED.

Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Mr. Swift moved to strike out the preamble of the bill.

Lost.

Upon the engrossment of the bill, the ayes and noes were demanded by Messrs. Swift, Vandall, and Aldrich, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Bradley, Burt, Byrnes, Canfield, Carter, Clark, Cowdery, Cressler, Dixon, Escandon, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Hill, Howe, Harlburt, Ingham, Klotz, McBride, Morgan, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Terrill, Thomas, Tully, Venable, Welch, Williams, and Winchell—51.

NOES—Messrs. Aldrich, Barton, Bryan, Coggins, Davis, Heald, Higbie, Kercheval, Knox, McCallum, Meyers, Swift, Tinnin, Vandall, and Mr. Speaker—15

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
January 25th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, on consideration of Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Kern, and Tulare—refused to recede from the following amendments, viz: To amend the last amendment but one to section twelve, which provides that said Act shall take effect in the Counties of San Luis Obispo and Monterey, on the first day

of May, eighteen hundred and seventy-four, by striking out the word "May" after the words "Monterey, the first day of," and inserting the word "July;" and, also, to amend further, by inserting after the words "shall take effect in the remaining portions of said Counties of Tulare and Kern, on the first day of November, eighteen hundred and seventy-four, and in the Counties of San Luis Obispo and Monterey, on the first day of May, eighteen hundred and seventy-four;" and the Senate appointed as Committee of Conference on said bill, Messrs. Lindsey, O'Connor, and Gibbons.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
January 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk in the County of Tulare.

Also, adopted Senate Concurrent Resolution No. 16—reciprocity treaty with Mexico.

Also, passed Assembly Bill No. 68—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara.

Also, passed Assembly Bill No. 76—An Act for the relief of William Rowland, Sheriff of Los Angeles County.

Also, adopted Senate Joint Resolution No. 37—requesting the Governor to return Senate Bill No. 175.

Also, on January twenty-sixth, adopted Senate Concurrent Resolution No. 32—instructing our Senators and Representatives to oppose the passage of certain bills pending in Congress.

Also, on this day, passed Substitute for Assembly Bill No. 58—An Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 25, above reported, the Speaker appointed as a Committee of Conference, Messrs. Ferguson, Canfield, and Dixon.

Senate Concurrent Resolution No. 16, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 13, above reported, read first and second times, and referred to the Tulare delegation.

Senate Joint Resolution No. 30, above reported, read first and second times, and adopted.

Senate Concurrent Resolution No. 32, above reported, read first and second times, and referred to the Committee on Federal Relations.

#### INTRODUCTION OF BILL.

Mr. Rogers had leave to introduce the following bill—an Act to amend section one thousand two hundred and seventy-five of the Civil Code.



Read first and second times, rules suspended, the bill considered engrossed, read a third time, and passed; rules further suspended, and ordered to be transmitted to the Senate without being engrossed.

#### REPORT.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Substitute for Assembly Concurrent Resolution No. 5—to prevent granting subsidies to the San Joaquin and Kings River Irrigation Company;

Also, Assembly Bill No. 123—An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, of Free and Accepted Masons, for cemetery purposes;

Also, an Act to authorize the County Treasurer of San Diego County to pay off certain funded indebtedness of said county;

And that the same were, on this twenty-eighth day of January, eighteen hundred and seventy-four, at one o'clock and forty-five minutes P. M., transmitted to the Governor for his approval.

HAY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 212—An Act to grant leave of absence to George J. Bennett, County Recorder and Auditor of Contra Costa County.  
Ordered engrossed.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced as a Committee on Swamp Land Frauds, Messrs. Ferguson, Kercheval, Hammitt, Parker, and Freeman.

Mr. Fahey was granted leave of absence for one day.

At two o'clock and thirty-five minutes P. M., on motion of Mr. Ferguson, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, January 29th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Messrs. Northcutt and Hamill were granted leave of absence for one day.

## REPORTS.

By Mr. Gray:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 95—An Act to protect bona fide settlers upon public lands—have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, Chairman.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 161—An Act concerning lawful and partition fences—have had the same under consideration, amended it in several particulars, and report it back as amended, recommending its passage as amended.

Your committee have also considered two petitions from San Diego County, the one favoring and the other opposing the "no fence law"—and beg leave to report that we have no bill before us affecting that section of the State, on the fence question, and as we understand that the delegations from San Diego and Los Angeles ask for the amendment of their fence or no fence laws in some respects, we have concluded that the memorials ought to be referred to the delegations from those counties, and respectfully submit that they be so referred.

MEYERS, Chairman.

The petitions above referred to were referred to the Los Angeles and San Diego delegations.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Substitute for Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of the City of San Diego—report it back, and recommend its passage.

Also, Substitute for Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners—report it back, and recommend its passage.

Also, Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County—report it back, with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 113—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure—report it back, without recommendation.

Also, Assembly Bill No. 166—An Act amending section three hundred and ninety-two of the Code of Civil Procedure—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 19—An Act to provide for the auditing and payment of the balance remaining due of the Indian war indebtedness of the State of California—report it back, and recommend that it be indefinitely postponed.

WILLIAMS, Chairman.

By Mr. Murphy:

Mr. SPEAKER: The undersigned, a minority of the Judiciary Committee, respectfully report that they recommend that Assembly Bill No. 113—An Act to amend section one thousand three hundred and sixty-five of the Code of Civil Procedure—do not pass.

J. E. MURPHY,  
B. G. HURLBURT,  
J. F. COWDERY,  
S. K. WELCH.

By Mr. Welch:

Mr. SPEAKER: Your Committee on Public Buildings and Grounds would beg leave to report the following items of expense incurred by them in the investigation of the matters connected with the construction of the College of Letters building of the State University, and recommend the payment of the same:

TO WHOM DUE.	Amount.
W. D. Delaney, Sergeant-at-Arms, eleven days.....	\$55 00
James Bailey, witness fees and mileage.....	4 00
James Touhey, witness fees and mileage.....	4 00
J. J. Newson, witness fees.....	2 00
George A. Grant, two days serving subpoenas.....	10 00
R. C. Ball, architect, service as expert.....	40 00
J. E. Wolfe, Sr., architect, service as expert.....	40 00
E. L. Mayberry, builder, service as expert.....	40 00
Total.....	\$195 00

S. K. WELCH, Chairman.

On motion of Mr. Howe, the usual number of copies of Assembly Bill No. 218 were ordered printed.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 164, beg leave to report that they have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

They also report back Assembly Bill No. 202, and recommend its passage.

R. KERCHEVAL, Chairman.

By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 32—relative to instructing Senators and Representatives to oppose the passage of certain bills

pending in Congress—have had the same under consideration, and hereby report the same back, and recommend that it do pass.

FRANCK, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

BRADLEY, Chairman.

By Mr. Canfield:

Mr. SPEAKER: The Tulare delegation, to whom was referred Senate Bill No. 13, beg leave to report upon the same and recommend its passage.

W. CANFIELD, for Delegation.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation have had under consideration Assembly Bill No. 120—An Act to extend the Statute of Limitations of this State, by amending sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine, and adding section three hundred and forty-eight to the Code of Civil Procedure—and report the same back, with the recommendation that it do not pass.

Your committee have also had under consideration Assembly Bill No. 114—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo, and Benicia—and report the same back, with a recommendation that it do not pass. Your committee are of the opinion that the changes contemplated in this bill would not be desirable.

ALDRICH, Chairman.

By Mr. Clark:

Mr. SPEAKER: The Butte delegation, to whom was referred Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two—have had the same under consideration, and ask leave to report it back, and recommend its passage.

CLARK, for Delegation.

By Mr. Ables:

Mr. SPEAKER: The Marin delegation, to whom was referred Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County—have had the same under consideration, and report it back, and recommend its passage.

ABLES, for Delegation.

By Mr. Escandon:

Mr. SPEAKER: The Santa Barbara delegation, to whom was referred Substitute for Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara—beg leave to report the same back, and recommend its passage.

ESCANDON, for Delegation.

By Mr. Hay:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 222—An Act entitled an Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—have had the same under consideration, and hereby report the same back, and recommend that it pass.

HAY, for Delegation.

By Mr. Miller:

MR. SPEAKER: The Alpine and Amador delegation have had Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six—under consideration, beg leave to report it back, and recommend its passage.

MILLER,  
STOWERS,  
Delegation.

On motion of Mr. Kercheval, the report of the Surveyor General, relative to swamp land matters, was taken from the Committee on Swamp and Overflowed Lands, and referred to the Committee on Swamp Land Frauds.

#### RESOLUTION.

By Mr. Parker:

*Resolved*, That the special committee appointed to investigate and report upon alleged frauds in the matter of moneys received by the State for swamp lands, be and are hereby authorized to inquire into and report what lands, quantity of lands, character, etc., have been applied for or sold, and to whom.

Adopted.

On motion of Mr. Swift, the vote by which the House, on yesterday, refused to adopt the resolution to print two thousand five hundred copies of Professor Gilman's address, was reconsidered.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Tinnin, Snyder, and Murphy, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bryan, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Hay, Howe, Hurlburt, Kercheval, Long, McCallum, Meyers, Morgan, Norton, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Snyder, Summers, Swift, Tully, Wickware, Williams, Winchell, Wright, and Mr. Speaker—50.

NOES—Messrs. Bradley, Burt, Byers, Cressler, Franck, Giffen, Gilmore of El Dorado, Higbie, Hill, Ingham, Klotz, Knox, McBride, Miller, Murphy, Northup, Pelham, Simpers, Simpson, Stowers, Terrill, Tinnin, Thomas, Vandall, Venable, and Welch—26.

By Mr. Welch:

*Resolved*, That the Controller of State be and he is hereby instructed to draw his warrants on the Contingent Fund of this House, and that the State Treasurer be instructed to pay the same, for the following amounts, being expenses incurred by the Assembly Committee on Public Buildings and Grounds in the investigation of the alleged frauds in the construction of the "College of Letters" buildings of the University of the State of California, to wit:

TO WHOM DUE.	Amount.
W. D. Delaney, Sergeant-at-Arms, eleven days.....	\$55 00
James Bailey, witness fees and mileage.....	4 00
James Touhey, witness fees and mileage.....	4 00
J. J. Newsom, witness fees.....	2 00
George A. Grant, two days, serving subpoenas.....	10 00
R. C. Ball, architect, service as expert.....	40 00
J. E. Wolfe, Sr., architect, service as expert.....	40 00
E. L. Mayberry, builder, service as expert.....	40 00

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gilmore of El Dorado—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Canfield—An Act entitled an Act to transfer certain funds in the County of Kern.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ingham—proposed amendment to section ten of Article IX of the Constitution.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Long—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Read first and second times, and referred to the Tuolumne delegation.

By Mr. Thomas—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Read first and second times, and referred to the Santa Cruz delegation.

By Mr. Giffen—An Act to grant the right to construct a turnpike road from Truckee City, in the County of Nevada, to the Town of Loyalton, in the County of Sierra.

Read first and second times, and referred to the Committee on Roads and Highways.

#### REPORT.

By Mr. Ferguson:

MR. SPEAKER: The Committee of Conference upon the subject of the disagreement of the two Houses as to the amendments of section eleven,

as now numbered, of Assembly Bill No. 25—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey—beg leave respectfully to report that after a careful and dispassionate examination of the subject of disagreement, they recommend, in lieu of the two amendments not concurred in or agreed to by the two Houses, the adoption of the following words, to be added at the end of said section eleven, as now agreed to by the two Houses, as being the most likely to reconcile opposite opinions and conflicting interests. The words to be added to said section eleven are: "and shall take effect and be in force in all those portions of Tulare and Kern Counties not above described, and in the Counties of San Luis Obispo and Monterey, on the twenty-fifth day of June, A. D. eighteen hundred and seventy-four."

FERGUSON,  
DIXON,  
Of House Committee.

TIPTON LINDSEY,  
E. GIBBONS,  
M. P. O'CONNOR,  
Senate Committee.

#### GENERAL FILE.

Senate Bill No. 125—An Act to make applicable to the County of Tulare an Act entitled an Act to regulate the traveling fees of the Sheriff of the County of Kern, approved February twenty-first, eighteen hundred and seventy-two.

Read a third time, and passed.

Senate Bill No. 135—An Act to amend an Act entitled an Act for the relief of Morris Wolf, approved March fourth, eighteen hundred and seventy-four.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Terrill in the chair.]

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 135, read a third time and passed, title amended, and amendment to title adopted.

#### RESOLUTION.

By Mr. Rogers:

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to enroll Assembly Bill No. 229—An Act to amend section one thousand two hundred and seventy-five of the Civil Code—out of its order.

Adopted.

Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Mr. Terrill moved to recommit the bill to the Committee on Ways and Means, upon which the ayes and noes were demanded by Messrs. Norton, Murphy, and Williams, and the House refused, by the following vote:

64—(Assembly)

**AYES**—Messrs. Ables, Aldrich, Bryan, Canfield, Cowdery, Franck, Freeman, Freidenrich, Gurnett, Hammitt, Hay, Howe, Kercheval, Knox, Patterson, Paulsell, Rea, Rogers, Swift, Terrill, Thomas, Vandall, Welch, Wickware, and Mr. Speaker—25.

**NOES**—Messrs. Barton, Bowers, Bradley, Burt, Byers, Byrnes, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Higbie, Hurlburt, Ingham, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Norton, Parker, Peek, Pelham, Pishon, Roush, Russell, Simpser, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Venable, Williams, Winchell, and Wright—49.

Mr. Swift moved to make the bill the special order for next Thursday, at one o'clock P. M.

Lost.

On motion of Mr. Murphy, the bill was made the special order for tomorrow, at one o'clock P. M.

At twelve o'clock and five minutes P. M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced as the special order the consideration of Assembly Bill No. 2—An Act to regulate fares and freights on the railroads in the State of California.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Swift, Bowers, and Freidenrich, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpser, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—68.

**NOES**—Messrs. Amerman, Bowers, Carter, Clark, Gurnett, Higbie, Long, and Peek—8.

On motion of Mr. Coggins, Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—was ordered copied and printed out of its regular order.

#### REPORTS.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that



they have examined and find correctly enrolled Assembly Bill No. 229—An Act to amend section twelve hundred and seventy-five of the Civil Code—and that the same has, this twenty-ninth day of January, eighteen hundred and seventy-four, at one o'clock and ten minutes P. M., been transmitted to the Governor for his approval.

HAY, Chairman.

By Mr. Miller:

Mr. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due to the various committees, as below enumerated—Committee on City Hall Investigation, Public Buildings and Grounds, State Prison, and Education—beg leave to report the following allowance due the members thereof:

TO WHOM DUE.	Amount.
<i>Committee on Public Buildings and Grounds.</i>	
Welch, six hundred and fifty-eight miles, two trips.....	\$98 70
Terrill, three hundred and four miles, one trip.....	45 20
McBride, six hundred and fifty-eight miles, two trips.....	98 70
Gurnett, six hundred and fifty-eight miles, two trips.....	98 70
Barton, six hundred and fifty-eight miles, two trips.....	98 70
Simpson, six hundred and fifty-eight miles, two trips.....	98 70
Thomas, six hundred and fifty-eight miles, two trips.....	98 70
<i>Committee on City Hall Investigation.</i>	
Terrill, two hundred and thirty-eight miles.....	35 70
Coggins, two hundred and thirty-eight miles.....	35 70
Winchell, two hundred and thirty-eight miles.....	35 70
Freidenrich, two hundred and thirty-eight miles.....	35 70
<i>Committee on State Prison.</i>	
Ables, two hundred and sixty miles.....	39 00
Byers, two hundred and sixty miles.....	39 00
Cowdery, two hundred and sixty miles.....	39 00
Long, two hundred and sixty miles.....	39 00
Hamill, two hundred and sixty miles.....	39 00
Northcutt, two hundred and sixty miles.....	39 00
Russell, two hundred and sixty miles.....	39 00
<i>Committee on Education.</i>	
Higbie, three hundred miles.....	45 00
Hurlburt, three hundred miles.....	45 00
Clark, three hundred miles.....	45 00
Cowdery, one hundred miles.....	15 00

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

MILLER,  
GILMORE,  
NORTHUP,  
Committee.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

Ordered engrossed.

Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties.

Ordered engrossed.

On motion of Mr. Williams, Assembly Bill No. 38—An Act to repeal an Act entitled an Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, approved April first, eighteen hundred and seventy-two, and for other purposes—was referred to the Judiciary Committee.

At two o'clock and forty-five minutes P. M., on motion of Mr. McCallum, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, January 30th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Giffen for one day.

#### REPORTS.

Reports were submitted, as follows:

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means report back Assem-

bly Bill No. 217—An Act to protect the public funds of this State—with the recommendation that it be referred to the Judiciary Committee.

Also, the committee report back Assembly Bill No. 128—An Act for the relief of Richard Palmer—with the recommendation that it do not pass, and add, that this recommendation is based upon evidence contained in a report made to this committee by Mr. Burt, who was appointed to examine and report upon the subject, and whose report is herewith returned, and asked to be taken as a part of this report.

Also, Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom—is reported back, with the recommendation that it do not pass.

FREEMAN, Chairman.

Assembly Bill No. 217, above reported, referred to the Judiciary Committee.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 198—to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano—report that they have carefully examined the same, and recommend its passage as amended. Amend section sixteen so as to read “any member of the Board of Education” instead of “any School Director.”

HIGBIE, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 136—An Act to amend the Political Code of the State of California—report it back with an amendment, and recommend its passage.

Also, Assembly Bill No. 41—An Act to amend section five hundred and eighty-five of Chapter II of Title VIII of the Code of Civil Procedure—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 185—An Act amendatory of section thirty-nine hundred and eighty-one of the Political Code of the State of California—report it back with a substitute, and recommend the passage of the substitute.

WILLIAMS, Chairman.

By Mr. Pishon:

MR. SPEAKER: The delegation to whom was referred Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to Holcomb Valley Mines in said county—have had the same under consideration, and report it back, and recommend its passage.

PISHON, for Delegation.

By Mr. Northup:

MR. SPEAKER: The Nevada delegation, to whom was referred Assembly Bill No. 223—An Act restricting the herding of sheep to certain pastures in Nevada County—have the honor to return the same, and state, that after careful examination, they unanimously recommend its passage.

NORTHUP, for Delegation.

By Mr. Long:

Mr. SPEAKER: The Tuolumne delegation, to whom was referred Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne—herewith report it back, and recommend its passage.

WM. G. LONG, for Delegation.

By Mr. Thomas:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 234—An Act to repeal an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, so far as the same relates to Santa Cruz County—have had the same under consideration, and would recommend its passage.

THOMAS, for Delegation.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Also, passed Assembly Bill No. 106—An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank, any deposit in such bank, where the same does not exceed the sum of five hundred dollars.

Also, passed Assembly Bill No. 109—An Act to amend class nine and add class ten to section thirty-three hundred and eighty-two of the Political Code.

Also, passed Assembly Bill No. 111—An Act to amend the Political Code by adding sections thirty-two hundred and forty-six, thirty-two hundred and forty seven, and thirty-two hundred and forty-eight, regulating hours of labor in certain cases.

Also, passed Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno.

Also, passed Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter.

Also, passed Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

BRADLEY, Chairman.

By Mr. Gilmore of El Dorado:

Mr. SPEAKER: We beg to respectfully dissent from the majority report of the Committee on Ways and Means, to whom was referred Assembly Bill No. 69—concerning the assessment of migratory bands of stock. We find that our State is naturally divided into two classes of counties, known as the agricultural or valley, and the mining or mountain counties; and further, that owing to the extensive cultivation of the valleys

in the production of grain, coupled with the "no fence law," that it is simply impossible to keep large herds of live stock there during the Summer months. The foothills and high ranges of the mountain counties, being generally heavily timbered and broken in character, will forever prevent their extensive cultivation for grain, and they now are, and will ever remain, the Summer pasturing region for a large proportion of the live stock of the valley counties. The practice is to drive it there about the first of May, to remain till the first or middle of November, when it is returned to the valleys, to obtain Winter subsistence. Thus it depends equally on the mountain and valley counties for pasturage and subsistence, and necessarily relies on the local laws of each for protection. And in consideration of these facts, that it should contribute equally toward the public expense of maintaining their local governments, is a proposition so fair and just as to forbid discussion. Yet we find, under the present law fixing the time for assessments, that the agricultural or valley counties have year after year assessed and collected, for their sole use and benefit, every dollar of the many thousands which has been received from this class of property.

Further, these large herds, in passing to and from the high mountain ranges, necessarily consume all the pasturage of many of the resident farmers of those counties, and compel them to drive their stock to the valleys for Winter subsistence; and even that, too, is assessed, and the taxes collected thereon in the valleys the ensuing Spring.

In view of all these facts, we hold it to be the imperative duty of the Legislature to enact a law which will remedy this wrong. This is the third time that the Legislature has been appealed to by the citizens of those counties for the passage of a law on this subject. Their previous demands for justice have been disregarded, and should this effort meet with no better success, they will be driven to and be justifiable in resorting to some stringent local measures for their protection, which would prove detrimental, at least, and most probably disastrous to migratory stock owners, involving even the loss of human life.

The bill in question, if it becomes a law, will fully meet the requirements of the case. We therefore recommend its passage.

N. GILMORE,  
S. B. BURT,  
WILLIAM HILL,  
P. H. RUSSELL.

#### RESOLUTIONS.

By Mr. Bradley:

*Resolved*, That the Engrossing Clerk be authorized to correct a clerical mistake, and to insert the following words, in Assembly Bill No. 109, after the words "section one," to wit: "Section three thousand three hundred and eighty-two of the Political Code is amended to read as follows."

Adopted.

By Mr. Peek—Concurrent Resolution, relative to the construction of a railroad line from the Missouri River to the Pacific Ocean.

Read first and second times, and referred to the Committee on Federal Relations.

## REPORT.

By Mr. Bowers:

MR. SPEAKER: The Los Angeles and San Diego delegations, to whom was referred Assembly Bill No. 208—An Act to amend an Act to protect agriculture in Los Angeles and San Diego Counties—beg leave to report the bill back, and recommend its passage.

W. W. BOWERS, for Delegation.

## RESOLUTION.

By Mr. Thomas:

*Resolved*, That when this House adjourns to-day, it stands adjourned until Monday next, February second, at two o'clock and thirty minutes, P. M.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Williams, Barton, and Snyder, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Bryan, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Davis, Escandon, Fahey, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Heald, Higbie, Howe, Hurlburt, Long, McBrude, McCallum, Meyers, Morgan, Murphy, Patterson, Paulsell, Rea, Simpson, Stowers, Summers, Terrill, Tinnin, Thomas, Vandall, Welch, Wickware, and Mr. Speaker—38.

NOES—Messrs. Ables, Barton, Bowers, Bradley, Burt, Byers, Coggins, Cressler, Dixon, Freeman, Ferguson, Hammitt, Hill, Ingham, Kercheval, Klotz, Northcutt, Northup, Norton, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Snyder, Swift, Venable, Williams, and Wright—31.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER,  
January 29th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body, that the Senate, on this day, adopted the report of the Committee of Conference on Assembly Bill No. 25.

Also, passed Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Also, passed Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

Also, passed Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Also, passed Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

Also, passed Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects the County of Mendocino.

Also, that the Senate refused to concur in Assembly Concurrent Resolution No. 30—to print twenty-five hundred copies of Professor Gilman's address.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
January 29th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-ninth day of January, A. D. eighteen hundred and seventy-four, passed Assembly Bill No. 229—An Act to amend section twelve hundred and seventy-five of the Civil Code.

J. B. CHINN,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 98, above reported, read first and second times, and referred to the Lake County delegation.

Senate Bill No. 137, above reported, read first and second times, and referred to the Judiciary Committee.

#### NOTICE.

By Mr. Murphy, of a bill to regulate and tax foreign insurance companies doing business in this State.

Mr. Cowdery, at his own request, was relieved from further serving as a member of the Committee on Education, and the Speaker appointed Mr. Ables as a member to fill such vacancy.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Freeman—An Act to quiet titles to certain lands in Yolo County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gray—An Act to protect agriculture in the County of Butte.

Read first and second times, and referred to the Butte County delegation.

By Mr. Bowers—An Act to regulate fees and salaries of officers and defining their duties, in the County of San Diego, and other matters relating thereto.

Read first and second times, and referred to the San Diego delegation.

By Mr. Murphy—An Act to furnish Justices of the Peace with copies of the Codes.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rogers—An Act to amend section one thousand four hundred and fifty-nine of the Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

## GENERAL FILE.

Senate Bill No. 13—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Tulare.

Read third time, and passed.

Substitute for Senate Bill No. 23—An Act concerning conveyances by the municipal authorities of the City of San Diego.

Read third time, and passed.

Substitute for Senate Bill No. 30—An Act concerning conveyances in the County of Santa Barbara.

Read third time, and passed.

Senate Concurrent Resolution No. 32—instructing Senators and Representatives to oppose the passage of certain bills pending in Congress.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Meyers, Burt, and Roush, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Vandall, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—76.

NOES—None.

Mr. Vandall offered the following as additional to the Standing Rules of the House:

“RULE 23.

“All fees of witnesses, and expenses incurred by any committee of this Assembly, shall be presented within thirty days after the report of such committee shall have been submitted.”

Laid over for one day, and referred to the Committee on Rules and Employes.

Senate Bill No. 95—An Act to protect bona fide settlers upon public lands.

Recommitted to the Committee on Public Lands.

Assembly Bill No. 19—An Act to provide for the audit and payment of the balance remaining due of the Indian war indebtedness of the State of California.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Coggins in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Swift, the committee arose, and reported the bill back, recommending its indefinite postponement.



## IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 19, above reported from the Committee of the Whole, was indefinitely postponed.

Assembly Bill No. 113—An Act to amend section thirteen hundred and sixty-five of the Code of Civil Procedure.

The House refused to engross the bill.

At twelve o'clock and ten minutes P. M., on motion of Mr. Howe, the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## RESOLUTION.

Mr. Meyers had leave to introduce the following resolution:

*Resolved*, That the resolution adopted by this House on the eighth day of January, eighteen hundred and seventy-four, authorizing the Minute Clerk to appoint an assistant during the month of January, be continued in force during the remainder of the session.

Referred to the Committee on Rules and Employés.

## SPECIAL ORDER.

Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

On motion of Mr. Williams, the consideration of the bill was postponed, and made the special order for Tuesday next, at one o'clock P. M.

## REPORT.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco—have had the same under consideration, and agreed to certain amendments, and now report the same back, with the recommendation that the bill pass as amended.

SWIFT, Chairman.

## INTRODUCTION OF BILL.

Mr. Northcutt had leave to introduce the following bill:

An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Read first and second times, and ordered on File.

## GENERAL FILE RESUMED.

Assembly Bill No. 114—An Act to amend an Act entitled an Act to

establish pilots and pilot regulations for the Ports of San Francisco, Mare Island, Vallejo, and Benicia, approved March twenty second, eighteen hundred and seventy.

Mr. Coggins moved to refer the bill to Mr. Patterson, for revision, upon which the ayes and noes were demanded by Messrs. Coggins, Ferguson, and Barton, and the House so ordered, by the following vote:

**AYES**—Messrs. Barton, Bradley, Bryan, Burt, Byers, Clark, Coggins, Davis, Dixon, Hammitt, Heald, Higbie, Hill, Ingham, Kercheval, Klotz, Knox, Long, McBride, Meyers, Miller, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Roush, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Venable, Welch, Williams, and Wright—43.

**NOES**—Messrs. Ables, Aldrich, Bowers, Byrnes, Cowdery, Cressler, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Howe, Hurlburt, McCallum, Murphy, Northup, Rogers, Simpson, Swift, Terrill, Wickware, and Mr. Speaker—22.

#### REPORTS.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred the resolution, to wit: that the resolution adopted by this House, on the eighth day of January, eighteen hundred and seventy-four, authorizing the Minute Clerk to appoint an assistant during the month of January, be continued in force for the remainder of the session, have had the same under consideration, and report it back, with the recommendation that it pass.

MEYERS, for Committee.

The resolution was adopted.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Also, Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 120—An Act to extend the Statute of Limitations of this State by amending sections three hundred and thirty-six, three hundred and thirty-seven, and three hundred and thirty-nine, and adding section three hundred and forty-eight to the Code of Civil Procedure.

The House refused to order the bill engrossed.

Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Ordered to head of the File for Monday next.

#### SPECIAL ORDER.

Assembly Bill No. 46—An Act to amend sections one thousand six

hundred and sixty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty nine, one thousand six hundred and seventy, and one thousand six hundred and seventy-one of the Political Code.

[Mr. Tinnin in the chair.]

Pending the consideration of Assembly Bill No. 46, at two o'clock and fifty-four minutes, on motion of Mr. Paulsell, the House adjourned.

D. T. LOOFBOURROW, Chief Clerk.	M. M. ESTEE, Speaker.
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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,	}
Monday, February 2d, 1874.	

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Rev. Mr. Dwinelle.

Journal of Friday, January thirtieth, read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted, for one day, to Messrs. Canfield, Murphy, Simpers, Gilmore of Calaveras, Byrnes, Davis, Norton, and Thomas; and for two days, to Messrs. Franck and Rea and the Committee on Hospitals.

Indefinite leave of absence was granted to Mr. Bradley.

## APPOINTMENT OF COMMITTEE.

The Speaker appointed Mr. Escandon as an additional member of the Committee on Spanish Translation.

## PETITION.

By Mr. Hammitt—Petition relative to prohibiting the sale of ardent spirits, or to provide civil damages.

Referred to the Committee on Public Morals.

Further time was granted committees in which to report bills, as follows:

Committee on Public Lands, two days; Committee on Ways and Means, ten days; Judiciary Committee, fifteen days; Committee on Corporations, fifteen days; Committee on Public Buildings and Grounds, fifteen days; Committee on Education, ten days; Committee on Agriculture, ten days; Committee on Counties and County Boundaries, seven days; Committee on Apportionment, seven days. The El Dorado delegation was granted further time; also, the Nevada delegation; the Los Angeles delegation, one week; the San Francisco delegation, four days; the Alameda delegation, fifteen days; the Contra Costa, Alameda,

and Santa Cruz delegations, one week further time; the San Joaquin delegation, one week.

#### REPORTS.

By Mr. Cressler:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Also, Assembly Bill No. 177—An Act to reincorporate the City of Napa.

Also, Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Also, Substitute for Assembly Bill No. 24—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

Also, Substitute for Assembly Bill No. 77—An Act authorizing the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County.

Also, Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Also, Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Also, Assembly Bill No. 187—An Act to create the County of Summit, to establish the boundaries thereof, and to provide for its organization.

Also, Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County.

Also, Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba.

Also, Assembly Concurrent Resolution No. 21—Asking Congressional relief for A. B. Gilbert.

Also, Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Also, Assembly Bill No. 212—An Act to grant leave of absence to George J. Bennett, County Recorder and Auditor of Contra Costa County.

JAMES DIXON,  
WILLIAM T. CRESSLER,  
Committee.

By Mr. Amerman:

Mr. SPEAKER: The Committee on Rules and Regulations, to whom was referred proposed Standing Rule, to be known as "Rule 23," respectfully report the same back, and recommend its passage as amended.

AMERMAN, Chairman.

## "RULE 23.

"All fees of witnesses and expenses incurred by any committee of this Assembly, shall be presented within ten days after the report of such committee shall have been submitted."

Adopted.

By Mr. Miller:

MR. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due the Committee on Geological Survey of the State, beg leave to report the following allowance due the members thereof:

Mr. Rogers, two hundred and thirty-four miles.....	\$35 10
Mr. Roush, two hundred and thirty-four miles.....	35 10
Mr. McCallum, two hundred and thirty-four miles.....	35 10

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

MILLER, Chairman.

Adopted.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means report herewith, pursuant to a resolution of the House, a bill entitled an Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years, and recommend its passage.

FREEMAN, Chairman.

By Mr. Coggins:

MR. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 36—An Act supplementary to an Act to provide the City of Sacramento with a better supply of water, approved March thirtieth, eighteen hundred and seventy-two—and report the same back, with a recommendation that it pass.

COGGINS, for Delegation.

By Mr. Clark:

MR. SPEAKER: The Butte delegation, to which was referred Assembly Bill No. 237—An Act to protect agriculture in the County of Butte—have considered the same, ask leave to report it back, and recommend its passage.

CLARK, for Delegation.

## NOTICE.

By Mr. Amerman—of a resolution suspending Standing Rule Number Seventy, until the fifteenth day of March, eighteen hundred and seventy-four, at twelve o'clock M.

## RESOLUTIONS.

By Mr. Amerman:

*Resolved*, That Rule Seventy of the Standing Rules of this House be temporarily suspended.

Adopted.

By Mr. Ferguson:

*Resolved*, That the special committee appointed to investigate the alleged frauds in the Swamp Land Commission, be authorized to employ a phonographic reporter, at a per diem of ten dollars for each day actually employed in taking phonographic notes, and ten dollars per day for each day actually employed in transcribing the same.

Referred to Committee on Rules and Employés.

Mr. Hill had leave to withdraw Assembly Bill No. 82—An Act to change the name of Milton Hoar to the name of Milton Niles.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 30th, 1874.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 123—An Act granting certain lands in the City of San Diego to San Diego Lodge, Number Thirty-five, of Free and Accepted Masons, for cemetery purposes.

Also, Assembly Bill No. 110—An Act to authorize the County Treasurer of San Diego County to pay off certain indebtedness of said county.

Also, Assembly Bill No. 229—An Act to amend section twelve hundred and seventy-five of the Civil Code.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, February 2d, 1874.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 57—An Act granting leave of absence to Henry M. Isaacs, County Treasurer of Inyo County.

NEWTON BOOTH,  
Governor.

On motion of Mr. Cowdery, Assembly Bill No. 46—An Act to amend sections one thousand six hundred and sixty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, and one thousand six hundred and seventy-

one of the Political Code—was made the special order for Thursday next, at one o'clock P. M.

MESSAGES FROM THE SENATE.

SENATE CHAMBER,  
January 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 92—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges.

Also, on January twenty-ninth, adopted Senate Joint Resolution No. 38—authorizing the appointment of an additional member on Joint Committee for translating laws into Spanish.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
Sacramento, January 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
Sacramento, February 2d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirtieth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

IRA H. REED,  
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 38, above reported, read first and second times and adopted.

Senate Bill No 92, above reported, read first and second times, and referred to the Committee on Education.

Senate Bill No. 65, above reported, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 38, above reported, read first and second times, and referred to the Committee on Roads and Highways.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bowers—An Act to prevent drunkenness in public places in the State of California.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Ferguson—An Act to amend section four thousand three hundred and twenty-nine of the Political Code.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Fahey—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Ables—An Act to regulate and govern the California State Prison.

Read first and second times, and referred to the Committee on State Prison.

By Mr. Parker—An Act to repeal sections fifteen hundred and forty-two and eighteen hundred and fifty-nine of the Political Code, so far as relates to the Counties of Mono and Inyo, and for other purposes.

Read first and second times, and referred to Committee on Education.

Also, an Act fixing the salaries of certain county officers in Inyo County.

Read first and second times, and referred to the Mono and Inyo delegation.

Also, an Act concerning official bonds in Mono County.

Read first and second times, and referred to the Mono and Inyo delegation.

By Mr. Barton—An Act to amend the Political Code in relation to Notaries Public.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Williams—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Freeman—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Read first and second times, ordered printed, and placed on File.

## GENERAL FILE.

Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Substitute adopted, and the bill ordered engrossed.

Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Read third time, and passed.



Assembly Bill No. 106—An Act to authorize the husband, or wife, or next of kin of a deceased person, to collect and receive of any savings bank, any deposit in such bank, where the same does not exceed the sum of three hundred dollars.

Read third time, and passed.

Assembly Bill No. 109—An Act to amend class nine, and add class ten to section thirty-three hundred and eighty-two of the Political Code.

Re-referred to Mr. Tinnin, with instructions to include a former amendment, and also to insert the following: "All amounts under seven hundred and fifty dollars shall pay no license."

Assembly Bill No. 111—An Act to amend the Political Code by adding sections thirty-two hundred and forty-six, thirty-two hundred and forty-seven, and thirty-two hundred and forty-eight, regulating hours of labor in certain cases.

Read third time, and passed.

Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno.

Read third time, and passed.

Assembly Bill No. 151—An Act to appropriate money for the relief of General John A. Sutter.

[Speaker pro tem. in the chair.]

On the motion of Mr. Hurlburt, to re-refer the bill to the Committee on Ways and Means, with instructions to amend section one by striking out "two hundred and fifty dollars," and inserting in lieu thereof "one hundred and fifty dollars," the ayes and noes were demanded by Messrs. Burt, Hurlburt, and Tinnin, and the House refused, by the following vote:

AYES—Messrs. Ables, Bryan, Burt, Chandler, Coggins, Cressler, Higbie, Hurlburt, Kercheval, Knox, McBride, Paulsell, Roush, Stowers, Tinnin, and Venable—16.

NOES—Messrs. Aldrich, Amerman, Barton, Bowers, Byers, Carter, Clark, Cowdery, Dixon, Escandon, Fahey, Freeman, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Hill, Howe, Ingham, Klotz, Long, McCallum, Meyers, Miller, Morgan, Northup, Parker, Peek, Pelham, Pishon, Rogers, Russell, Simpson, Snyder, Summers, Swift, Terrill, Tully, Welch, Williams, and Mr. Speaker—43.

On the passage of the bill, the ayes and noes were demanded by Messrs. Burt, Gurnett, and McBride, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Carter, Clark, Coggins, Cowdery, Dixon, Escandon, Fahey, Freeman, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Hill, Howe, Ingham, Klotz, Long, McCallum, Meyers, Miller, Morgan, Northup, Parker, Paulsell, Peek, Pelham, Pishon, Rogers, Roush, Russell, Snyder, Summers, Swift, Terrill, Tully, Welch, Williams, and Mr. Speaker—43.

NOES—Messrs. Ables, Barton, Bryan, Burt, Byers, Chandler, Cressler, Higbie, Hurlburt, Kercheval, Knox, McBride, Simpson, Stowers, Tinnin, and Venable—16.

At five o'clock and fifteen minutes P. M., on motion of Mr. Freeman, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, February 3d, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Stowers, at his own request, was relieved from further serving as a member of the Committee on Translation of Laws into Spanish, and Mr. Escandon was appointed to fill the vacancy.

## REPORTS.

Reports were made as follows:

By Mr. Cressler:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

Also, Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties.

WM. T. CRESSLER,  
For Committee.

By Mr. Snyder:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—beg leave to report the same back with amendments, and recommend its passage as amended.

SNYDER, Chairman.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, after considering Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes—have made certain amendments thereto, and now report the same back, recommending its passage as amended.

A descriptive list of the amendments is herewith returned.

FREEMAN, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 192—An Act to add additional sections to the Political Code relating to costs in criminal cases—and report it back with an amendment, and recommend its passage as amended.

Also, Substitute for Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners—report it back, and recommend its passage.

Also, Assembly Bill No. 107—An Act to repeal subdivision two of section one hundred and fifteen of the Code of Civil Procedure—report it back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code—report it back, and recommend that it be referred to the Committee on Ways and Means.

Also, Senate Bill No. 32—An Act to amend section two hundred and sixty-eight of the Political Code—report it back, and recommend that it be referred to the Committee on Public Expenditures.

Also, Assembly Bill No. 72—An Act to amend section four thousand one hundred and eleven of the Political Code, so far as the same applies to San Bernardino County, and to provide for the election of Supervisors in said county—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 158—An Act relating to the residence of the County Judge of San Bernardino County—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 134—An Act to amend section two hundred and sixty-eight of the Political Code—report it back, and recommend that it be referred to the Committee on Public Expenditures.

Also, Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure—report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: The undersigned, to whom was referred Assembly Bill No. 109, has examined and corrected the same, as instructed by this House, report it back, and recommend its passage as corrected.

TINNIN.

I also offer the following resolution:

*Resolved*, That Assembly Bill No. 109 be returned to the Engrossing Clerk, with instructions to engross the same as amended.

Adopted.

Assembly Bill No. 109, above reported, amendments adopted, and the title amended.

## RESOLUTIONS.

By Mr. Tully:

*Resolved*, That the usual number of Governor Booth's biennial message, and of each of the reports of the State Controller, Treasurer, Surveyor General, State Superintendent of Public Instruction, and the report of the State Board of Equalization, be printed in Spanish.

Referred to the Committee on Printing.

By Mr. Aldrich:

*Resolved*, That Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant—be taken from the Committee on Roads and Highways, and referred to the special committee on Yosemite matters.

Adopted.

By Mr. Summers:

*Resolved*, That the Senatorial Investigating Committee be and they are hereby authorized to employ a shorthand reporter for such length of time as they may deem necessary, said reporter to receive not more than eight dollars per day, to include all services in taking and transcribing testimony, etc.

Referred to Committee on Rules and Employés.

By Mr. Amerman:

*Resolved*, That Standing Rule Number Seventy, of this House, be and the same is hereby suspended until the fifteenth day of March, eighteen hundred and seventy-four, at twelve o'clock M.

Adopted.

By Mr. Hill:

*Resolved*, That the Attorney General and the Judiciary Committee of the Assembly be requested to give their opinion as regards the legal right of this State to grant the right of way to competing lines of road to the Yosemite Valley, and whether the company already having a franchise from the Commissioners of the Yosemite Valley will be able to successfully prosecute this State for damages.

Adopted.

## NOTICE.

By Mr. Ferguson, of a bill to secure the protection of the Big Tree Groves in the Counties of Fresno, Tulare, and Kern.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 3d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of January, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard.

Also, on the twenty-ninth day of January, passed Senate Bill No. 131—An Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino.

Also, on the second day of February, passed Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 126, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 131, above reported, read first and second times, and referred to the San Bernardino delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Aldrich—An Act to enable the City and County of San Francisco to issue bonds.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hammitt—An Act to repeal all special road laws in the County of Contra Costa.

Read first and second times, and ordered on File.

By Mr. Higbie—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Ferguson—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Read first and second times, and referred to the Fresno delegation.

By Mr. Gilmore of Calaveras—An Act to regulate the price of quicksilver in this State.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Coggins—An Act to add section eleven hundred and sixty-five to the Civil Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gray—An Act relating to conveyances of real estate.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams—An Act to amend section eight hundred and forty-five of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Read a third time, and passed.

Assembly Bill No. 170—An Act to amend an Act entitled an Act con-

cerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Read a third time, and passed.

Assembly Concurrent Resolution No. 21—asking Congressional relief for A. B. Gilbert.

Read a third time, and passed.

Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Bill amended, read a third time, passed, and ordered reengrossed.

Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Read a third time, and passed.

Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Read a third time, and passed.

Assembly Bill No. 177—An Act to reincorporate the City of Napa.

Read a third time, and passed.

Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Read a third time, and passed.

Assembly Bill No. 187—An Act to create the County of Summit, to establish the boundaries thereof, and to provide for its organization.

Read a third time, and passed.

Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Read a third time, and passed.

Assembly Bill No. 212—An Act to grant leave of absence to George J. Bennett, County Recorder and Auditor of Contra Costa County.

Read a third time, and passed.

Senate Bill No. 36—An Act supplementary to an Act approved March thirtieth, eighteen hundred and seventy-two, entitled an Act to provide the City of Sacramento with a better supply of water.

Read a third time, and passed.

Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 161—An Act concerning lawful and partition fences.

The bill amended, ordered reprinted, and placed on File.

Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Bill amended, and ordered engrossed.

Assembly Bill No. 166—An Act amending section three hundred and ninety-two of the Code of Civil Procedure.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Coggins, Snyder, and Murphy, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Knox, and McCallum—3.

NOES—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Dixon, Escandon, Fahey, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Higbie, Hill, Howe, Hurlburt, Ing-ham, Kercheval, Klotz, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Paulsell, Peek, Pelham, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Tully, Ven-able, Welch, Williams, Wright, and Mr. Speaker—58.

#### REPORT.

By Mr. Cressler:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Substitute for Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

CRESSLER, for Committee.

At twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced as the special order, the consideration of As-sembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

On motion of Mr. Murphy, the time for consideration of the bill was made the special order for one o'clock and thirty minutes P. M., to-day.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 3d, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted resolution requesting Assembly to return Senate Bill No. 95.

CHINN, Assistant Secretary.

Senate Concurrent Resolution, above reported, was read and concurred in by the House.

#### GENERAL FILE RESUMED.

Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. F. Bailey.

On motion, the House went into Committee of the Whole for consideration of the bill.

[Mr. Tinnin in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Cowdery, the committee arose and reported the bill back, recommending its engrossment.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 202, reported from Committee of the Whole, was ordered engrossed.

Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Ordered engrossed.

Assembly Bill No. 222—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Passed on File for Thursday next.

Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County.

Passed on File for Thursday next.

Assembly Bill No. 41—An Act to amend section five hundred and eighty-five of Chapter II of Title VIII of the Code of Civil Procedure.

The House refused to engross the bill.

Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Made the special order for Friday next, at one o'clock P. M.

Assembly Bill No. 128—An Act for the relief of Richard Palmer.

The House refused to engross the bill.

Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Recommitted to the Judiciary Committee.

Assembly Bill No. 185—An Act amendatory of section three thousand nine hundred and eighty-one of the Political Code of the State of California.

Made the special order for Tuesday next, at one o'clock P. M.

#### SPECIAL ORDER.

The Speaker announced, at one o'clock and thirty minutes P. M., the special order to be the consideration of Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Mr. Williams offered a substitute for the bill, and on a motion to print the bill and make the consideration thereof the special order for Tuesday next, at one o'clock P. M., a division of the question was called for by Mr. Coggins, as follows: first, to print the bill; second, to make its consideration the special order for Tuesday next, at one o'clock P. M.

On the motion to print, the ayes and noes were demanded by Messrs. Murphy, Cressler, and Terrill, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Byrnes,



Coggins, Cowdery, Gressler, Freeman, Freidenrich, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Hay, Higbie, Howe, Hurlburt, Long, McCallum, Meyers, Northcutt, Paulsell, Rogers, Roush, Russell, Swift, Terrill, Vandall, Venable, Welch, and Mr. Speaker—33.

NOES—Messrs. Bryan, Burt, Byers, Carter, Chandler, Clark, Dixon, Escandon, Fabey, Ferguson, Giffen, Gilmore of Calaveras, Hill, Ingham, Kercheval, Klotz, Knox, McBride, Miller, Morgan, Murphy, Northup, Parker, Peck, Pelham, Pishon, Simpser, Simpson, Snyder, Stowers, Summers, Tinnin, Williams, and Wright—34.

The reading of the bill was called for, and the Speaker announced, that as an appropriation would be required to carry out the provisions of the bill, the House should go into Committee of the Whole.

[Mr. Terrill in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Coggins, the committee arose, and reported the bill back to the House, recommending that the bill be printed out of its regular order, and that its consideration be made the special order for Thursday next, at two o'clock P. M.

#### IN ASSEMBLY.

[Speaker in the chair.]

Substitute for Assembly Bill No. 88, reported from the Committee of the Whole, was ordered printed, and its consideration made the special order for Thursday next, at two o'clock P. M.

Mr. Northcutt had leave to withdraw Assembly Bill No. 241—An Act to regulate the salaries and fix the compensation of certain county officers in the County of Sonoma.

#### REPORT.

Mr. Hay had leave to submit the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Concurrent Resolution No. 7—relative to granting pensions to the soldiers of the Mexican War of eighteen hundred and forty-six—seven—eight;

Also, Assembly Concurrent Resolution No. 20—relative to turning the San Diego River;

Also, Assembly Concurrent Resolution No. 10—asking Congressional appropriation to improve the navigation of the San Joaquin River;

Also, Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same;

Also, Assembly Bill No. 65—An Act to amend the Penal Code by adding a new section, to be known as section four hundred;

Also, Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees;

Also, Assembly Bill No. 70—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy;

Also, Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable;

Also, Assembly Bill No. 64—An Act for the relief of Round Valley School District, Inyo County;

Also, Assembly Bill No. 31—An Act to amend a certain section of volume one of the Political Code;

Also, Assembly Bill No. 58—An Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland;

Also, Assembly Bill No. 76—An Act for the relief of William Roland, Sheriff of Los Angeles County;

Also, Assembly Bill No. 68—An Act for the relief of J. H. Adams, Sheriff of the County of Santa Clara;

Also, Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property;

And that the same have, this third day of February, eighteen hundred and seventy-four, at two o'clock and forty-five minutes P. M., been transmitted to the Governor, for his approval.

HAY, Chairman.

At three o'clock and twenty-four minutes P. M., Mr. Tinnin moved to adjourn.

Lost.

#### GENERAL FILE RESUMED.

Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Ordered engrossed.

Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county.

Ordered engrossed.

Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Bill amended, and ordered engrossed.

At three o'clock and twenty-nine minutes P. M., Mr. Barton moved to adjourn.

Lost.

Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Ordered engrossed.

Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Ordered engrossed.

Assembly Bill No. 223—An Act restricting the herding of sheep to certain pastures, in Nevada County.

Ordered engrossed.

Assembly Bill No. 201—An Act concerning lands situate within and belonging to the City and County of San Francisco.

Bill amended, and ordered engrossed.

Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Ordered engrossed.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Meyers, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, February 4th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

By unanimous consent, the Rule Number Twenty-three, adopted by the House on yesterday, was changed to be known as Rule Number Eighty-two.

#### PETITIONS.

By Mr. Ferguson—Petition from citizens of Fresno County, asking that certain portions of that county be exempted from the operations of the trespass law until November first, eighteen hundred and seventy-four.

Referred to the Committee on Agriculture.

By Mr. Swift—Petition of the Protestant Episcopal Church Home.

Referred to the Committee on Ways and Means.

By Mr. Coggins—Petition from the Directors of the Howard Benevolent Society.

Referred to the Committee on Ways and Means.

Also, petition of John Johnson, relative to his services at the State Capitol.

Referred to the Committee on Claims.

#### REPORTS.

Reports were made as follows:

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Concurrent Resolution No. 16—to amend public land laws—have had the same under consideration, and report it back, with the recommendation that it do not pass.

Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State—the committee report back, and recommend its passage.

GRAY, Chairman.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 188—An Act to authorize the payment of fees and mileage to certain witnesses—beg leave to report that they have carefully considered said bill, and report the same back, and recommend its passage.

TINNIN, Chairman.

By Mr. Vandall:

MR. SPEAKER: The undersigned, constituting a minority of your Committee on Claims, begs leave to report that he respectfully dissents from the opinions expressed by a majority of said committee in relation to Assembly Bill No. 188—An Act to authorize the payment of fees and mileage to certain witnesses—for the following reasons, to wit:

First—That the bill, being of the nature of a bill for relief, should set out the names of the parties to be relieved, and fix the exact sum for such relief in each case, in order that each claim might be passed upon by the Assembly, according to its merits.

Second—That it appeared from the evidence taken before the committee that a large number of persons, who would be entitled to compensation under this bill, have never asked for remuneration, and would never have put in any claim thereto, had not this bill been presented. And while the minority of your committee hold to the necessity of paying all just claims against the State, they do not consider it within the province of wise legislation to go into byways for the purpose of procuring the presentation of claims, or to encourage speculators in hunting out such claims as otherwise would never have been presented.

Third—The evidence before the committee showed that out of the entire amount sought to be appropriated by said bill, claims to the amount of only about two hundred dollars have been presented, and that the largest portion of this fraction claimed is in the hands of brokers.

Fourth—That the fact that these parties, or a majority of them, failed to press their claims at the session of the Legislature during which the service is alleged to have been rendered, should be taken as presumptive evidence that they never intended to claim compensation, and the minority of your committee firmly believe that unless said claims had been hunted out by brokers and speculators, they never would have been presented.

Fifth—That the records of the committee before whom said service is alleged to have been rendered, do not show that said parties at said time claimed any fees at all.

Therefore, the minority of your committee respectfully recommend that said Assembly Bill No. 188 do not pass.

R. C. VANDALL,

Minority of Committee.

By Mr. Meyers:

MR. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly resolution authorizing the special committee appointed to investigate alleged frauds in the Swamp Land Commission to employ a phonographic reporter, have had the same under considera-

tion, have amended it, and report it back recommending its passage as amended.

Your committee have also considered the resolution authorizing the Senatorial Investigating Committee to employ a phonographic reporter, and report it to the House with an amendment, and recommend its passage as amended.

MEYERS, for Committee.

*Resolved*, That the special committee appointed to investigate the alleged frauds in the Swamp Land Commission be and they hereby are authorized to employ a phonographic reporter, at a per diem not to exceed ten dollars for each day actually employed in taking phonographic notes, and fifteen cents per folio actually transcribed for the use of the committee.

Adopted.

*Resolved*, That the Senatorial Investigating Committee be and are hereby authorized to employ a shorthand reporter for such number of days as he shall be actually employed, said reporter to receive not more than eight dollars per day, to include all services in taking and transcribing testimony, etc.

Adopted.

By Mr. Cressler:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 138—An Act to provide for the payment of the architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Also, Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six.

Also, Assembly Bill No. 109—An Act to amend section three thousand three hundred and eighty-two of the Political Code.

W. T. CRESSLER, for Committee.

By Mr. Swift:

MR. SPEAKER: Your Committee on Corporations, to which was referred Assembly Bill No. 165—An Act to amend the Civil Code of this State, have had the same under consideration, have agreed upon amendments thereto, and do hereby report it back, with the recommendation that it pass as amended.

SWIFT, Chairman.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means report back Assembly Bill No. 144—An Act for the relief of James P. Sargent, assignee of James W. Davis—with the recommendation that it do not pass.

Also, Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County—with the recommendation that it be referred to the Committee on Claims.

Also, Assembly Bill No. 244—An Act to amend section four thousand three hundred and twenty-nine of the Political Code—with the recommendation that it be referred to the delegations from Los Angeles, Fresno, and Tulare.

Also, Assembly Bill No. 130—An Act to amend sections three thousand eight hundred and thirty-nine, three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and forty-six, three thousand eight hundred and forty-seven, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-seven, three thousand eight hundred and fifty-eight, and three thousand eight hundred and fifty-nine, and for the repeal of section three thousand eight hundred and sixty of Chapter IX of the Political Code—with a descriptive list of amendments thereto, and with the recommendation that the bill, as amended, pass.

FREEMAN, Chairman.

Assembly Bill No. 245, above reported, was referred to the Committee on Claims.

Assembly Bill No. 244, above reported, referred to the Los Angeles, Fresno, and Tulare delegations.

By Mr. Ferguson:

MR. SPEAKER: The Fresno delegation, to whom was referred Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County—report the same back, and recommend its passage.

FERGUSON, for Delegation.

By Mr. Parker:

MR. SPEAKER: The Tuolumne, Inyo, and Mono delegation, to whom was referred Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County—beg leave to report the same back, and recommend its passage.

Also, Assembly Bill No. 249—An Act concerning official bonds in Mono County—with the same recommendation.

PARKER, for Delegation.

By Mr. Franck:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California—report the same back, and recommend that it do pass.

FRANCK, for Delegation.

#### LEAVE OF ABSENCE.

Mr. Hamill was granted leave of absence for one day.

#### RESOLUTION.

By Mr. Aldrich:

*Resolved*, That J. M. Hutchings, of Yosemite Valley, be tendered the

use of this Hall, on Tuesday evening next, for the purpose of presenting before the members of the Legislature his splendid set of illuminated photographs of the Yosemite Valley and its surroundings.

Adopted.

#### INTRODUCTION OF BILLS.

By Mr. Byers—An Act granting right of way to the Sierra Iron Company.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Kercheval—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Tinnin—An Act to provide for the better protection of stockholders in incorporated companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Hurlburt—An Act to amend section three hundred of the Penal Code.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Patterson—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Venable—An Act to confer further power and privileges upon the Trustees of Los Nietos Collegiate Institute.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rogers—An Act to amend section seven hundred and ninety-eight of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Vandall—An Act to amend the Political Code.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Substitute for Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

Read a third time, and passed.

Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

Read a third time, and passed.

Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, A. D. eighteen hundred and seventy-two.

Read a third time, and passed.

Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

Recommitted to the Judiciary Committee.

Assembly Bill No. 38—An Act to repeal an Act entitled an Act to provide funds for the further reclamation of Swamp Land Districts

Numbers Fifty and Fifty-four, in Sacramento County, approved April first, A. D. eighteen hundred and seventy-two, and for other purposes.

Substitute adopted, and the bill ordered engrossed.

Assembly Bill No. 72—An Act to repeal section four thousand one hundred and eleven of the Political Code, so far as the same applies to San Bernardino County, and to provide for the election of Supervisors in said county.

Substitute adopted, and the bill ordered engrossed.

Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Substitute adopted, and the bill ordered engrossed.

Assembly Bill No. 158—An Act relating to the residence of the County Judge of San Bernardino County.

The bill was indefinitely postponed.

Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Substitute adopted, and the bill ordered engrossed.

[Speaker pro tem. in the chair.]

Assembly Bill No. 192—An Act to add additional sections to the Political Code relating to costs in criminal cases.

Amended, and ordered engrossed.

[Speaker in the chair.]

Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty seventh fiscal years.

Passed on the File.

Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

Passed on the File.

Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

The consideration of the bill was made the special order for Wednesday next, at one o'clock P. M.

On motion of Mr. Freeman, the House took up for consideration Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

Pending the consideration of the bill, the hour of twelve o'clock M. having arrived, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### INTRODUCTION OF BILL.

The following bill was introduced:

By Mr. Freidenrich—An Act supplementary to an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and



sixty-eight, and an Act supplementary and amendatory thereof, approved April first, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collecting of taxes.

#### REPORT.

- Pending consideration of the bill, Mr. Williams had leave to make the following report:

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary report back Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure—amended, and recommend its passage.

WILLIAMS, Chairman.

Senate Bill No. 112, above reported, amendments recommended by the Judiciary Committee adopted, bill read a third time, and passed.

Consideration of Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collecting of taxes—was resumed.

Mr. Cowdery moved to amend by striking out that part at the end of section four alluding to the City and County of San Francisco.

Mr. Coggins moved to amend the amendment as follows: "The State Board of Equalization may modify this form-book in any county of the State;" on the adoption of which the ayes and noes were demanded by Messrs. Coggins, Tinnin, and Meyers, and the House refused, by the following vote:

AYES—Messrs. Barton, Bryan, Burt, Clark, Coggins, Ferguson, Gilmore of El Dorado, Gray, Kercheval, Klotz, McCallum, Meyers, Miller, Norton, Parker, Paulselt, Pelham, Pishon, Roush, Russell, Snyder, Summers, and Swift—23.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Byers, Byrnes, Canfield, Carter, Cowdery, Cressler, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Ingham, Knox, Long, McBride, Morgan, Murphy, Northup, Patterson, Peek, Rea, Rogers, Simpser, Simpson, Stowers, Terrill, Tinnin, Vandall, Venable, Wickware, Winchell, Wright, and Mr. Speaker—46.

On the adoption of the amendment offered by Mr. Cowdery, the ayes and noes were demanded by Messrs. Coggins, Norton, and Gray, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Bowers, Byers, Byrnes, Carter, Cressler, Fahey, Freidenrich, Gilmore of Calaveras, Hamill, Hammitt, Hay, Higbie, Howe, McBride, Murphy, Patterson, Peek, Rogers, Simpson, Swift, Terrill, Vandall, Venable, Wickware, and Mr. Speaker—28.

NOES—Messrs. Barton, Bryan, Burt, Canfield, Clark, Coggins, Cowdery, Dixon, Escandon, Franck, Freeman, Ferguson, Giffen, Gilmore of

El Dorado, Gray, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Northup, Norton, Parker, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Winchell, and Wright—42.

Mr. Cowdery gave notice that he would, on to-morrow, move to reconsider the vote by which the House refused to adopt the amendment to section four of Assembly Bill No. 143, offered by him.

Committed to the Judiciary Committee, ordered printed, and made the special order for Wednesday next, at one o'clock P. M.

At three o'clock and fifteen minutes P. M., on motion of Mr. Swift, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, February 5th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

By Mr. Parker—Petition from the Sacramento Society of California Pioneers, asking a continuance of the appropriation to John A. Sutter and J. W. Marshall.

Referred to the Committee on Ways and Means.

## REPORTS.

Reports were made as follows:

By Mr. Higbie:

Mr. SPEAKER: The Committee on Education, to whom was referred Senate Bill No. 92, report that they have carefully considered the same, and report it back, and recommend its passage.

HIGBIE, Chairman.

By Mr. Norton:

Mr. SPEAKER: The Committee on Elections, to whom was referred the contested election cases from the City and County of San Francisco, beg leave to submit the following report:

We have carefully examined all the evidence that has been placed before us by the contestants and respondents, who are sitting members, and find the following facts:

First—That the law relating to the contesting elections for members of the Legislature (Vol. 1, pp. 56, 57, 58, and 59, of the Political Code) has been fully and in all respects complied with, so far as it was in the power of the contestants to do so.

Second—We find that W. A. Aldrich is, and has been, since the year eighteen hundred and sixty-five, a resident of the City and County of San Francisco; that at the last general election for members of the Assembly, he received a plurality of all the votes cast in that city and county for Assemblyman, and is therefore entitled to a seat in this Assembly.

Third—From the evidence before us, we are unable to arrive at any definite conclusion as to who is entitled to a seat on this floor from that city and county, whether it be the sitting members or the contestants. It is in evidence before us, that owing to the long time required to count ballots, very many mistakes were made by the officers of election, and that the friends of each set of candidates did all in their power to further the interests of their personal and political friends; that the tally clerks, in many cases, by reason of exhaustion from long continued labor, were found to be widely apart upon the same candidates, and in order to reach the same conclusion, struck—according to the evidence of one witness, himself an officer of election—a “commercial balance”—that is, took from one and added to the other until they were made equal.

In conclusion, we would add that it is an utter impossibility for us to arrive at any definite conclusion, from the evidence before us, as to whether or not the contestants have any claims to seats upon this floor. There is nothing in evidence before us to show that they did not get credit, in the aggregate, for all the votes they received, and it may be a great many more than were actually cast for them. On the other hand, they may have been credited with a few less than they actually received.

We have, therefore, concluded to refer the whole matter back to the House, and ask further instructions as to whether or not we shall count the votes cast for the legislative ticket in the City and County of San Francisco, for it is only by a recount that we can arrive at a correct conclusion in the premises.

NORTON, Chairman.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 153, report that they have had the same under consideration, and report it back to the House, without recommendation.

Also, Assembly Bill No. 214—An Act fixing the name of a certain body of water in Alameda County—and return the same without recommendation.

KERCHEVAL, Chairman.

Assembly Bill No. 153, above reported, was withdrawn by the author.  
By Mr. Kercheval:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 200, report the same back to the House, and unanimously recommend its passage.

KERCHEVAL, for Delegation.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco—have had the same under consideration, and have agreed upon a substitute therefor, and now report the same back and recommend the passage of the substitute.

SWIFT, for Delegation.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco—have had the same under consideration, and have agreed upon certain amendments thereto, and now report the same back, with the recommendation that it pass as amended.

SWIFT, for Delegation.

By Mr. Northcutt:

MR. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 241, beg leave to report the same back, with amendments, and unanimously recommend its passage.

NORTHCUTT, for Delegation.

By Mr. Thomas:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 154—An Act to provide for the construction of a flume for the transportation of lumber and other like materials from the head waters of San Lorenzo Creek to the Town of Santa Cruz, in the County of Santa Cruz—would respectfully report the bill back with an amendment, and, as several legal questions are involved, would ask that the bill be referred to the Judiciary Committee.

THOMAS, for Delegation.

The bill was so ordered.

#### RESOLUTIONS.

By Mr. Murphy:

*Resolved*, That the Committee on Elections are authorized to send for all ballots and other papers that shall be necessary for the investigation of any contested election case pending before the committee, and the committee shall have power to appoint four clerks to aid in counting said ballots. Said clerks shall each receive five dollars per day during the time they are actually employed, to be paid out of the Contingent Fund of the House.

Mr. Swift offered the following as a substitute:

*Resolved*, That the Committee on Elections be authorized to summon the County Clerk of San Francisco to appear before the committee, at Sacramento, bringing with him the ballots cast at the September election, to be recounted by the committee, and that they be allowed to employ such clerical force as shall be necessary to make a speedy recount of the vote.

Adopted.

By Mr. Terrill:

WHEREAS, It has been brought to the notice of this House, by the public press, that litigants are subjected to a long and seemingly unnecessary and unjust delay in the trial and decision of their causes in the various Courts of this State; therefore

*Resolved*, That a committee of five be appointed by the Speaker of this House to inquire into the subject, with a view of ascertaining the cause of and proper remedy for such delay, and that they report a bill to provide such remedy, if they deem it necessary and advisable.

Adopted.

At eleven o'clock and fifty-eight minutes A. M., Mr. Murphy moved to extend the hour for taking recess fifteen minutes.

Lost.

At twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### RESOLUTION.

Mr. Swift had leave to introduce the following resolution:

*Resolved*, That the Chief Clerk be and he is hereby instructed to certify as "adopted" the second amendment attached to Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco—which bill is now in the hands of the Engrossing Committee.

Adopted.

#### REPORT.

Mr. Bradley had leave to submit the following report:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Also, Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Also, Assembly Bill No. 201—An Act concerning lands situate within and belonging to the City and County of San Francisco.

Also, Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 221—An Act to amend an Act entitled an

Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 223—An Act restricting the herding of sheep to certain pastures, in Nevada County.

Also, Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley Mines, in said county.

Also, Assembly Bill No. 234—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Also, Assembly Bill No. 233—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Also, Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Also, Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. F. Bailey.

BRADLEY, Chairman.

#### SPECIAL ORDER.

The Speaker announced as the special order the consideration of Assembly Bill No. 46—An Act to amend sections one thousand six hundred and sixty-two, one thousand six hundred and sixty-five, one thousand six hundred and sixty-nine, one thousand six hundred and seventy, and one thousand six hundred and seventy-one of the Political Code.

Pending consideration of the above bill, at two o'clock P. M., the Speaker announced as the second special order the consideration of Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—which on motion of Mr. Murphy, was placed at the head of the File for to-morrow.

Consideration of Assembly Bill No. 46 was resumed.

[Speaker pro tem. in the chair]

The bill was amended, when, on motion of Mr. Murphy, to strike out the enacting clause, the ayes and noes were demanded by Messrs. Cowdery, Freidenrich, and Vandall, and the House so ordered, by the following vote:

AYES—Messrs. Barton, Bowers, Bryan, Clark, Davis, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Hay, Hill, Howe, Ingham, Klotz, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Parker, Paulsell, Peek, Pelham, Pishon, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnain, Tully, Venable, Welch, Williams, and Wright—42.

NOES—Messrs. Ables, Aldrich, Amerman, Bradley, Burt, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Franck, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Higbie, Hurlburt, Kercheval, Knox, Long, Meyers, Miller, Norton, Patterson, Rea, Rogers, Swift, Vandall, Wickware, Winchell, and Mr. Speaker—34.

At four o'clock and fifteen minutes P. M., on motion of Mr. Terrill, the House adjourned.

D. T. LOOPBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
 Friday, February 6th, 1874. }

House met pursuant to adjournment.  
 Speaker in the chair.  
 Roll called, and a quorum present.  
 Prayer by the Chaplain.  
 Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence was granted for two days, to Mr. Gurnett.

## APPOINTMENT OF COMMITTEE.

The Speaker announced the following as a committee, in pursuance of a resolution introduced, on yesterday, by Mr. Terrill, "to inquire into the subject of the cause of and remedy for delay in the trial and decision of causes in the various Courts of this State," viz: Messrs. Terrill, Norton, Williams, Swift, and Tully.

## PETITIONS.

By Mr. Cressler—Petition from citizens of Sacramento County asking the passage of a local option law.

Referred to the Committee on Public Morals.

By Mr. Clark—Petition from the inhabitants of Chico Township, in the County of Butte, asking for one Justice of the Peace.

Referred to the Butte delegation.

By Mr. Paulsell—Petition from citizens of San Joaquin County asking the passage of a local option law.

By Mr. Thomas—Petition from citizens of Santa Cruz County asking an appropriation for the benefit of the Male Orphan Asylum at Pajaro, Santa Cruz County.

## REPORTS.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County—beg leave to report that they have had said bill under consideration, have examined a large number of witnesses in relation thereto, and have found the following state of facts, to wit:

That in the year eighteen hundred and sixty-eight, Mr. Enoch Said, a prominent and highly esteemed citizen of Calaveras County, was waylaid and murdered, in his carriage, by a band of outlaws, known as the Coyado band, consisting of Paul Tibeaux, José B. Coyado, and two others.

That said Coyado band were professional highwaymen and murderers, and had for some months infested the district composed of the Counties of Calaveras, Tuolumne, Amador, and Mariposa, committing many depredations, and often accompanying their robberies by murder.

That immediately on the receipt of information of the murder of Said, B. K. Thorn, Sheriff of Calaveras County, organized a posse and started in pursuit of the murderers, following them through the four counties aforesaid, and extending his pursuit as far south as Los Angeles County, finally capturing two of the band, one of whom was convicted and executed and the other sentenced to a life imprisonment in the State Prison.

That said pursuit lasted for a period of nearly six months, during which time the said Sheriff had under pay a posse of officers, whose compensation, traveling expenses, etc., amounted to a large sum, to wit: fourteen hundred dollars; and we further find that the said Sheriff has never been reimbursed for the sums so expended by him.

We also find, that, owing to the efforts of Sheriff Thorn, the said Coyado band was broken up and dispersed, and the people of the State relieved from its depredations.

Your committee also find that the conviction of the two parties arrested by Sheriff Thorn, as above set forth, took place about eighteen months ago, or in the interval between the sitting of the nineteenth and twentieth sessions of the Legislature of the State of California.

Your committee would also state, that in arriving at the sum above mentioned, as having been expended by Sheriff Thorn, we had no vouchers to refer to, but fixed on that amount from the testimony of the witnesses sworn and examined before the committee.

Wherefore, your committee beg leave to report back said Assembly Bill No. 245, without recommendation, and to present, at the same time, the facts as herein set forth.

TINNIN, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 194—An Act for securing liens of mechanics and others—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 116—An Act to amend the Political Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases—report it back, and recommend its passage.

Also, Assembly Bill No. 184—An Act to repeal section one thousand five hundred and forty-two of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 179—An Act to add section one thousand six hundred and twenty-five to the Political Code—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 34—An Act to amend section two thousand seven hundred and twenty-six of the Political Code—report it back, and recommend that it be referred to the Committee on Roads and Highways.

Also, Assembly Bill No. 224—An Act to prohibit the carrying of concealed weapons—report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 136—An Act to amend the Political Code of the State of California—report it back, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 217—An Act to protect public funds of this State—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from



San Diego to the City and County of St. Louis, Missouri—report it back, with an amendment, and recommend its passage.

Also, Assembly Bill No. 131—An Act entitled an Act to provide for funding the debt of Kern County—report it back, with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 231—An Act entitled an Act to transfer certain funds in the County of Kern—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 105—An Act to define the mode of electing members of the Assembly and of representatives of electors therein—report it back, and recommend that it do not pass.

WILLIAMS, Chairman.

Assembly Bill No. 34, above reported, referred to the Committee on Roads and Highways.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals—have had the same under consideration, and report the bill back, with the recommendation that it pass.

PATTERSON.

By Mr. Burt:

MR. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 256—An Act to regulate the price of quicksilver in this State—have had the same under consideration, and report it back, recommending that it be referred to the Judiciary Committee, for the settlement of certain legal principles involved.

BURT, Chairman.

The bill was so referred.

By Mr. Tully:

MR. SPEAKER: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 83—An Act to amend section three thousand nine hundred and eleven of the Political Code, relating to the boundary line between Shasta and Tehama Counties—have had the same under consideration, and beg leave to report the same back, with a unanimous recommendation that it do not pass.

TULLY, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 38—An Act to repeal an Act entitled an Act to provide funds for the further reclamation of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, approved April first, A. D. eighteen hundred and seventy-two, and for other purposes.

Also, Assembly Bill No. 72—An Act to repeal section four thousand one hundred and eleven of the Political Code, so far as the same applies to San Bernardino County, and to provide for the election of Supervisors in said county.

Also, Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Also, Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Also, Assembly Bill No. 192—An Act to add additional sections to the Political Code, relating to costs in criminal cases.

Also, Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa.

BRADLEY, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude—have had the same under consideration, and report the same back, with a substitute, and recommend the passage of said substitute.

PATTERSON.

By Mr. Ferguson:

MR. SPEAKER: The Los Angeles, Tulare, Kern, and Fresno delegations, to whom was referred Assembly Bill No. 244—An Act to amend section four thousand three hundred and twenty-nine of the Political Code—report the same back with amendments, and recommend its passage as amended.

FERGUSON, for Delegations.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 5th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 25—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey.

Also, Assembly Bill No. 67—An Act to authorize the Board of Supervisors of Los Angeles County to locate and build a bridge across the Santa Anna River, in Los Angeles County, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 65—An Act to amend the Penal Code of the State of California.

Also, Assembly Bill No. 104—An Act to reincorporate the Town of San Buenaventura, and approving certain ordinances and proceedings of the Town Trustees.

Also, Assembly Bill No. 76—An Act for the relief of W. Rowland, Sheriff of Los Angeles County.

Also, Assembly Bill No. 68—An Act for the relief J. H. Adams, Sheriff of the County of Santa Clara.

Also, Assembly Bill No. 58—An Act to enable the Board of Supervisors of the County of Alameda to erect the county buildings of said county upon Washington and Franklin Plazas, in the City of Oakland.

Also, Assembly Bill No. 81—An Act to declare Lake Earl, in Del Norte County, navigable

Also, Assembly Bill No. 31—An Act to amend section one hundred and sixty-two of the Political Code.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS.

By Mr. Rogers—Assembly Concurrent Resolution No. 32—instructing our Senators and requesting our Representatives in Congress to oppose the passage of the Santillion Land Grant bill, now pending in Congress.

Rules suspended, read third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Ferguson—Assembly Concurrent Resolution—relative to instructing our Senators in Congress and requesting our Representatives to use their influence to secure the donation from the Government of the United States to the State of California, all groves of big trees situated in the Counties of Fresno, Tulare, and Kern.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. McBride—Assembly Concurrent Resolution No. —relative to an increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five.

Read first and second times, and referred to the Committee on Federal Relations.

By Mr. Tully—Assembly Concurrent Resolution—relative to public lands.

Read first and second times, and referred to the Committee on Federal Relations.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 4th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the third day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

Also, on January twenty-eighth, passed Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California.

Also, on this day, passed Assembly Concurrent Resolution No. 9—relative to the election of United States Senators.

Also, passed Assembly Concurrent Resolution No. 15—relative to a survey of public lands in California.

Also, passed Assembly Concurrent Resolution No. 8—relative to lands granted the Stockton and Copperopolis Railroad.

Also, passed Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 5th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourth day of February, A. D. eighteen hundred and seventy-four, passed Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Also, this day, concurred in Assembly amendment to Senate Bill No. 112—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, this day, passed Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of *The People vs. Horace Smith*.

Also, passed Senate Bill No. 66—An Act to repeal sections six hundred and eighty-four and six hundred and eighty-five of the Political Code of the State of California.

Also, passed Senate Bill No. 76—An Act for the relief of A. A. Bennett.

Also, passed Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Also, amended and passed Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame.

Also, passed Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

Also, passed Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County.

Also, passed Senate Bill No. 108—An Act to amend the Penal Code.

Also, passed Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 170, above reported, read first and second times, and referred to the Merced delegation.

Senate Bill No. 171, above reported, read first and second times, and referred to the Yuba delegation.

Senate Bill No. 76, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 66, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 35, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 108, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 156, above reported, read first and second times, and Senate amendments to title concurred in.

Assembly Concurrent Resolution No. 8, above reported, read first and second times, and Senate amendments concurred in.

#### RESOLUTION.

Mr. Kercheval had leave to introduce the following resolution:

*Resolved by the Assembly, the Senate concurring,* That Joint Rule Number Twenty be and the same is hereby suspended.

Mr. Tully offered the following amendment: "In as far as it applies to the pay of Sergeant-at-Arms."

Laid over for one day.

#### REPORT.

By Mr. Amerman:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of San Antonio Creek, in the County of Alameda—beg leave to report a substitute therefor, and recommend the passage of the substitute.

AMERMAN, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tully—An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

Read first and second times, and referred to the Committee on Claims.

By Mr. Heald—An Act to provide for the erection of county buildings at the City of Vallejo, in Solano County, and other matters relating thereto.

Read first and second times, and referred to the Solano delegation.

Also, an Act for the relief of Center School District, County of Solano.

Read first and second times, and referred to the Solano delegation.

By Mr. Rogers—An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirteen.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Davis—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Miller—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

Read first and second times, and referred to the Alpine and Amador delegations.

By Mr. Thomas—An Act to authorize Isaac E. Davis and Henry Cowell and others to lay down and maintain water pipes in the Town of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

By Mr. Terrill—An Act to amend section sixteen hundred and sixty-nine of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hurlburt—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.

Read first and second times, and referred to the Humboldt delegation.

By Mr. Higbie—An Act to provide separate offices for certain officials of Los Angeles County.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Canfield—An Act to change the road law of Kern County.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Cressler—An Act for the relief of John C. Burgess and Orrin Champlin.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Paulsell—An Act to amend section one thousand and fifty-two of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cowdery—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to provide for the enforcement of private contracts for street work.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Vandall—An Act to open, establish, grade, and macadamize a public street in the City and County of San Francisco, known and to be called "Ninth Avenue," and to take private lands therefor, and to grade and macadamize a part of D street, to grade and macadamize a part of Seventh Avenue, to grade and macadamize a part of B street, to grade and macadamize a part of Fifth Avenue, and certain street crossings of the City and County of San Francisco, and to construct a bridge across Islais Creek.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cressler—An Act to organize Siskiyou County into one swamp land district.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Williams—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

Read first and second times, and referred to the El Dorado delegation.

Also, an Act amendatory of the Political Code of the State of Cali-

fornia, by adding thereto a section, to be designated as section twelve hundred and seventy nine.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Northcutt—An Act to license the business of underwriting, and to regulate the rates of premiums.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Parker—An Act to prevent stallions from running at large in the County of Mono.

Read first and second times, and referred to the Mono delegation.

By Mr. Barton—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California to enlarge the Capitol grounds, the balance of the purchase price of said land.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Gray—An Act concerning the selection and sale of the University lands.

Read first and second times, and referred to the Committee on Public Lands.

Also, an Act to amend section thirty-three hundred and ninety-eight of the Political Code.

Read first and second times, and referred to the Committee on Public Lands.

Also, an Act to amend section thirty-five hundred and seventy-three of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCallum—An Act to fix the salaries of certain officers in Mendocino County.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Vandall—An Act to provide for a permanent Land Commission.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Pending the consideration of the above bill, at twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced as the special order, the consideration of Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

On motion of Mr. Williams, the above named bill was made the special order for two o'clock P. M., to-day.

Assembly Bill No. 88—sections one to twelve, inclusive, were considered in the House, when the House went into Committee of the Whole for the consideration of the remainder of the bill.

[Mr. Murphy in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Williams, the committee arose, reported the bill back, and recommended its passage as amended.

#### IN ASSEMBLY.

[The Speaker in the chair.]

Assembly Bill No. 88, reported from Committee of the Whole, amendments adopted, and on the engrossment of the bill, the ayes and noes were demanded by Messrs. Burt, Vandall, and Murphy, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bowers, Bradley, Bryan, Byers, Byrnes, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Higbie, Hill, Howe, Ingham, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northeutt, Northup, Parker, Patterson, Peek, Pelham, Pishon, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Veuable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—60.

**NOES**—Messrs. Aldrich, Burt, Cowdery, Franck, Freeman, Freidenrich, Hamill, Hay, Heald, Kercheval, Paulsell, Rea, Rogers, Swift, and Vandall—15.

#### GENERAL FILE RESUMED.

Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Referred to the Committee on Swamp and Overflowed Lands, with instructions to insert certain amendments.

Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Read a third time, and passed.

Assembly Bill No. 201—An Act concerning lands situate within and belonging to the City and County of San Francisco.

Read a third time, and passed.

Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey.

Read a third time, and passed.

Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Read a third time, and passed.

Assembly Bill No. 223—An Act restricting the herding of sheep to certain pastures, in Nevada County.

Read a third time, and passed.

Assembly Bill No. 227—An Act to authorize the construction of a



wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county.

Read a third time, and passed.

Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Read a third time, and passed.

Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Read a third time, and passed.

Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Read a third time, and passed.

Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Los Angeles, and in the County of San Diego, and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, and to repeal an Act amendatory thereof, approved March fifth, eighteen hundred and seventy-two.

Read a third time, and passed.

Senate Bill No. 92—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act to provide for the incorporation of colleges.

Read a third time, and passed.

Senate Bill No. 65—An Act to repeal the several special road laws in the County of Santa Clara, in the State of California.

Read a third time, and passed.

#### SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the Speaker announced as the special order, consideration of Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

The bill was amended, and, on its engrossment, the ayes and noes were demanded by Messrs. Coggins, Gilmore of El Dorado, and Venable, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byers, Byrnes, Carter, Cowdery, Cressler, Davis, Dixon, Escandon, Fahay, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hill, Howe, Hurlburt, Ingham, Klotz, Knox, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Norton, Parker, Paterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Summers, Terrill, Tinnin, Tully, Wickware, Williams, Winchell, and Wright—53.

**NOES**—Messrs. Bradley, Bryan, Chandler, Clark, Coggins, Franck, Freeman, Gray, Hammitt, Hay, Higbie, Kercheval, Meyers, Paulsell, Rea, Simpson, Swift, Thomas, Vandall, Venable, and Mr. Speaker—21.

#### REPORTS.

Reports were submitted as follows:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Concurrent Resolution No. 15—relative to the survey of public lands in California;

Also, Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor;

Also, Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization;

And that the same were, this sixth day of February, eighteen hundred and seventy-four, at twelve o'clock M., transmitted to the Governor for his approval.

HAY, Chairman.

Also, by the same:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Concurrent Resolution No. 9—relative to the election of United States Senators;

Also, Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, Klamath, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, so far as the same applies to or affects Mendocino County;

Also, Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County;

Also, Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte;

Also, Assembly Bill No. 119—An Act for the protection of game in Nevada County;

And that the same have, this sixth day of February, eighteen hundred and seventy-four, at eleven o'clock A. M., been transmitted to the Governor, for his approval.

HAY, Chairman.

#### MESSAGE FROM THE SENATE.

On motion of Mr. Coggins, the House took up the consideration of Senate message.

SENATE CHAMBER,  
February 6th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 173—An Act to incorporate the City of Eureka.

Also, adopted Senate Concurrent Resolution No. 39—asking Congress to establish a mail route in Sonoma County.

Also, on the second instant, passed Senate Bill No. 182—An Act to provide for the building of a school house in Oakdale School District, in the County of Stanislaus.

Also, on this day, passed Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Also, adopted Assembly Concurrent Resolution No. 32—instructing

Senators and requesting Representatives to oppose the passage of the Santillion Land Grant Bill, now pending in Congress.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 186, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 182, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Concurrent Resolution No. 39, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 173, above reported, read first and second times, and referred to the Humboldt delegation.

#### INTRODUCTION OF BILL.

Mr. Ferguson had leave to introduce the following bill:

An Act to provide a County Treasurer for the County of Fresno, for the term commencing the first Monday in March, in the year eighteen hundred and seventy-four.

Read first and second times, and referred to the Fresno delegation.

At three o'clock and twenty-six minutes P. M., on motion of Mr. Tinnin, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, February 7th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Williams, for one day.

#### PETITIONS.

By Mr. Murphy, from Sisters of Charity of Santa Barbara.

Referred to the Committee on Ways and Means.

By Mr. Hammitt—Petition from citizens of Contra Costa County, asking the passage of a local option and civil damage law.

Referred to the Committee on Public Morals.

## REPORTS.

Reports were made as follows:

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 219—An Act to prevent discrimination in places of public amusements—have had the same under consideration, and report the bill back with amendments, and recommend its passage as amended.

PATTERSON, for Committee.

Also, by the same:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 263—An Act to amend section three hundred of the Penal Code—have had the same under consideration, and report it back, with the recommendation that it do pass.

PATTERSON, for Committee.

Also, by the same:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail—have had the same under consideration, and find it to be an exact copy of an Act in the Statutes Continued in Force, and thereby report the same back, with the recommendation that it do not pass.

PATTERSON, for Committee.

Also, by the same:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 243—An Act to prevent drunkenness in public places, in the State of California—have had the same under consideration, and report the same back with amendments, and recommend the passage of the same as amended.

PATTERSON, for Committee.

By Mr. Meyers:

MR. SPEAKER: The Committee on Agriculture, to whom was referred the petition of citizens of Fresno County, praying that the time for taking effect of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in certain counties, be changed for that portion of Fresno County lying south of Kings River and east of the railroad, and adjoining Tulare County, have had the subject matter under consideration, and beg leave to report back by bill, asking its favorable consideration by the House.

MEYERS, for Committee.

The bill above reported was ordered to the File.

By Mr. Thomas:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry

Cowell, and others, to lay down and maintain water pipes in the Town of Santa Cruz—have had the same under consideration, and report it back, and recommend its passage.

THOMAS, for Delegation.

By Mr. Aldrich:

MR. SPEAKER: The Committee on Yosemite and Big Tree Parks, to whom was referred Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road over the Yosemite Grant—beg leave to report the same back with amendments, and recommend the passage of the bill as amended.

ALDRICH, Chairman.

By Mr. Hurlburt:

MR. SPEAKER: The Humboldt delegation, to whom was referred Senate Bill No. 173—An Act to incorporate the City of Eureka;

Also, Assembly Bill No. 278—An Act in relation to jurors in the County of Humboldt;

Report the same back, with the recommendation that they do pass.

HURLBURT, for Delegation.

By Mr. Parker:

MR. SPEAKER: The Mono and Inyo delegations, to whom was referred Assembly Bill No. 290—relative to stallions running at large in the County of Mono—beg leave to report the same back, and recommend its passage.

LONG, for Delegation.

By Mr. McCallum:

MR. SPEAKER: The Mendocino delegation, to whom was referred Assembly Bill No. 295—relative to fixing the salaries of certain officers in said county—beg leave to report the same back, and recommend its passage.

MCALLUM, for Delegation.

By Mr. Welch:

MR. SPEAKER: The Lake County delegation, to whom was referred Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake—report the same back, and recommend that it be referred to the Judiciary Committee.

WELCH, for Delegation.

The bill was so referred.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined, and find correctly enrolled, Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of The People of the State of California v. Horace Smith;

Also, Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County;

Also, Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill-fame;

Also, Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek of certain

lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two;

Also, Assembly Concurrent Resolution No. 12—relative to establishing the boundary line between Del Norte County, California, and Curry County, Oregon;

Also, Assembly Concurrent Resolution No. 32—instructing our Senators and Representatives in Congress to oppose the passage of the San-tillion Land Grant Bill, now pending in Congress;

And that the same have, this seventh day of February, eighteen hundred and seventy-four, at ten o'clock and twenty minutes A. M., been delivered to the Governor for his approval.

HAY, Chairman.

#### RESOLUTION.

By Mr. Pelham—Assembly Concurrent Resolution relative to adjournment of the Legislature *sine die* on the tenth day of March.

On motion of Mr. Snyder, the resolution was laid on the table.

#### NOTICES.

By Mr. Tully—of a bill to amend the Political Code by adding sections forty-two hundred and seventy-six and forty-two hundred and seventy-seven, providing for the filing of maps and plats of lands, when surveyed, with the Recorders of the several counties of this State.

TULLY.

By Mr. Murphy—of a bill to pay witnesses in criminal cases.

#### REPORTS.

By Mr. Ferguson:

MR. SPEAKER: The Fresno delegation, to whom was referred Assembly Bill No. 297—An Act to provide a County Treasurer for the County of Fresno, for the term commencing the first Monday in March, eighteen hundred and seventy-four—report the same back, and respectfully recommend its passage.

FERGUSON.

By Mr. Davis:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

#### INTRODUCTION OF BILLS.

By Mr. Cressler—An Act to amend section three thousand four hundred and forty-three of the Political Code.

Read first and second times, and referred to the Judiciary Committee. Also, an Act to amend section three thousand four hundred and forty-two of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Simpson—An Act to protect agriculture, and to prevent the trespassing of animals in the County of Tehama.

Read first and second times, and referred to the Tehama and Colusa delegations.

By Mr. Northcutt—An Act to protect shippers of produce.

Read first and second times, and referred to the Committee on Corporations.

Also, an Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Snyder—An Act to regulate rates of charges on telegraph lines in this State.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Clark—An Act providing for an additional Justice of the Peace in Chico Township, Butte County.

Read first and second times, and ordered on File.

By Mr. Barton—An Act to amend section three thousand six hundred and seven of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act to provide for the payment of Controller's warrants on the Fund of Swamp Land District Number Thirty eight.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, an Act for the relief of Joel T. Bailey.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands

By Mr. Vandall—An Act to amend the Civil Code relative to Inspector of Gas Pipes and Meters.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Simpser—An Act to amend sections twenty-four hundred and thirty, twenty-four hundred and forty, twenty-four hundred and forty-seven, twenty-four hundred and fifty-seven, twenty-four hundred and fifty-eight, twenty-four hundred and sixty-four, twenty-four hundred and sixty-five, twenty-four hundred and sixty-six, twenty-four hundred and sixty-seven, and twenty-four hundred and sixty-eight, of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Substitute for Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

Read a third time, and passed.

Substitute for Assembly Bill No. 72—An Act to provide for the election of Supervisors in the County of San Bernardino.

Read a third time, and passed.

Substitute for Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Read a third time, and passed.

Substitute for Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code.

Read a third time, and passed.

Assembly Bill No. 192—An Act to add additional sections to the Political Code, relating to costs in criminal cases.

Read a third time, and passed.

Assembly Bill No. 222—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools in Marin County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

The House went into Committee of the Whole for the consideration of the above bill.

[Mr. Paulsell in the chair.]

Pending consideration of the above bill, the hour of twelve M. having arrived, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker declared the House as in Committee of the Whole for the consideration of Assembly Bill No. 242.

[Mr. Tinnin in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Amerman, the committee arose, reported the bill back, recommending that it be made the special order for Thursday next, at one o'clock P. M.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 242—An Act making appropriations for the support of the Government of the State of California for the twenty-sixth and twenty-seventh fiscal years—reported from the Committee of the Whole, was made the special order for Thursday next, at one o'clock P. M.

#### REPORT.

Mr. Swift had leave to introduce the following report:

MR. SPEAKER: The Committee on Apportionment, to whom was referred Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof—respectfully report the same back with amendments. They would further report, that for the purposes of convenience and uni-



formity, they have engrafted their amendments in the body of the bill, have had the same rewritten, and respectfully report the same back, and recommend its passage.

SWIFT, Chairman.

Assembly Bill No. 96, above reported, was ordered placed at the head of the File for Tuesday next, and that the bill be printed.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 5th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 64—An Act for the relief of Round Valley School District, Inyo County.

Also, Assembly Bill No. 70—An Act to revise an Act entitled an Act to incorporate the Town of San Leandro, approved March twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 89—An Act to provide for the construction and maintenance of free bridges in the County of Trinity, and to set apart a fund therefor.

Also, Assembly Bill No. 133—An Act to repeal an Act entitled an Act to authorize the Counties of Mendocino, Humboldt, and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties, approved March thirty-first, eighteen hundred and seventy.

Also, Assembly Bill No. 119—An Act for the protection of game in Nevada County.

Also, Assembly Bill No. 86—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Klamath and Del Norte, approved March thirty-first, eighteen hundred and sixty-six.

NEWTON BOOTH,  
Governor.

GENERAL FILE RESUMED.

Assembly Concurrent Resolution No. 16—requesting our Representatives to have public land laws amended.

The House refused to engross the resolution.

On motion of Mr. Swift, Assembly Bill No. 165—An Act to amend the Civil Code of this State—was passed on the File.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 7th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fifth day of February, A. D. eighteen hundred and sev-

enty-four, passed Senate Bill No. 209—An Act to fix the fees of the Surveyor of Napa County.

Also, passed Senate Bill No. 226—An Act supplementary to an Act concerning roads and highways in Sonoma County.

Also, this day, passed Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children.

Also, passed Senate Bill No. 172—An Act to add a new section to the Penal Code.

Also, refused to pass Assembly Bill No. 8—An Act supplementary to an Act entitled an Act concerning roads in the County of Humboldt.

Also, passed Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

Also, passed Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy.

Also, passed Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Also, passed Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties.

Also, adopted Senate Concurrent Resolution No. 41—relative to the State University.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 41, above reported, read first and second times, and adopted.

Senate Bill No. 209, above reported, read first and second times, and referred to the Napa delegation.

Senate Bill No. 226, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 167, above reported, read first and second times, and referred to the Committee on Public Morals.

Senate Bill No. 172, above reported, read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE RESUMED.

Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Ordered engrossed.

#### RESOLUTION.

Mr. Paulsell had leave to introduce the following resolution:

*Resolved*, That when this House adjourns to-day, it adjourns to meet at half past two o'clock on Monday, the ninth instant.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Terrill, Franck, and Murphy, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Bowers, Byrnes, Canfield, Carter, Coggins, Cowdery, Davis, Fahey, Freidenrich, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Higbie, Howe, Ing-ham, Kercheval, McCallum, Meyers, Morgan, Patterson, Paulsell, Peek, Russell, Simpers, Summers, Terrill, Tinnin, Thomas, Vandall, Wickware, and Winchell—36.

NOES—Messrs. Bradley, Burt, Chandler, Cressler, Dixon, Franck, Freeman, Ferguson, Hammitt, Hill, Hurlburt, Klotz, Knox, Miller, Murphy, Northcutt, Norton, Pelham, Pishon, Rea, Rogers, Roush, Simpson, Venable, Wright, and Mr. Speaker—26.

On motion, the House took up for consideration the following resolution, offered by Mr. Kercheval on yesterday:

*Resolved by the Assembly, the Senate concurring, That Joint Rule Number Twenty be and the same is hereby suspended, in as far as it applies to the pay of Sergeant-at-Arms of the Assembly.*

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 130—An Act to amend sections thirty-eight hundred and thirty-nine, thirty-eight hundred and forty, thirty-eight hundred and forty-one, thirty-eight hundred and forty-three, thirty-eight hundred and forty-five, thirty-eight hundred and forty-six, thirty-eight hundred and forty-seven, thirty-eight hundred and fifty-four, thirty-eight hundred and fifty-seven, thirty-eight hundred and fifty-eight, thirty-eight hundred and fifty-nine, and for the repeal of section thirty-eight hundred and sixty, of Chapter IX, of the Political Code.

Recommitted to the Committee on Ways and Means.

Assembly Bill No. 144—An Act for the relief of James P. Sargent, assignee of James W. Davis.

Passed on the File.

#### LEAVE OF ABSENCE.

Leave of absence was granted to Messrs. Snyder and Swift, for one day each.

#### GENERAL FILE RESUMED.

Assembly Bill No. 188—An Act to authorize the payment of fees and mileage to certain witnesses.

Passed on the File.

Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County.

Amended, and ordered engrossed.

Assembly Bill No. 249—An Act concerning official bonds in Mono County.

Ordered engrossed.

Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Recommitted to the Kern and Fresno delegations.

Assembly Bill No. 161—An Act concerning lawful and partition fences.

Passed on the File.

Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco.

Amended, rules suspended, bill considered engrossed, and passed.

Assembly Bill No. 200—An Act to repeal an Act in relation to the President and Clerk of the Board of Supervisors of the County of Sacramento, passed March thirtieth, eighteen hundred and seventy-two.

Recommitted to the Sacramento delegation.

At two o'clock and thirty-five minutes P. M., Mr. Thomas moved to adjourn.

Lost.

Assembly Bill No. 214—An Act fixing the name of a certain body of water in Alameda County.

Pending consideration of the bill, at three o'clock and fifty minutes P. M., on motion of Mr. Paulsell, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, February 9th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

Leave of absence for one day was granted to Messrs. Byrnes, Bryan, Kercheval, Escandon, and McCallum.

## JOINT COMMITTEE.

The Speaker announced the following as appointed members of the Joint Committee on Senate Bill No. 41: Messrs. Amerman, Meyers, Freidenrich, Tinnin, and Canfield.

## RE-REFERENCE.

Assembly Bill No. 301, which was on Saturday referred to the Judiciary Committee, was withdrawn, and re-referred to the Committee on Commerce and Navigation.

## PETITIONS.

The Speaker presented a joint resolution of the Legislature of the State of Nevada, asking the State of California to cede certain territory east of the summit of the Sierras, to Nevada.

Referred to the delegations from the Counties of Nevada, Placer, El Dorado, Alpine, Mono, and Inyo.

By Mr. Thomas—From the Sixth Senatorial District Agricultural Society, asking an appropriation.

Referred to the Committee on Ways and Means.

#### REPORTS.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Also, Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Also, Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco.

Also, Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Also, Assembly Bill No. 222—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County.

Also, Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County.

Also, Assembly Bill No. 249—An Act concerning official bonds in Mono County.

BRADLEY, Chairman.

By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 13—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean—have had the same under consideration, and hereby make the following report: That the law which our members of Congress are by said resolution requested to take into consideration, with reference to condemning the unsold lands granted to railroad companies by the United States Government, and the opening of said unsold lands to homestead and preemption settlement, would seem to impair the vested rights of the railroad companies. The committee, therefore, recommend that said resolution be referred to the Judiciary Committee.

F. C. FRANCK, Chairman.

So referred.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration Assembly Bills Nos. 1 and 26, and report the same back with a substitute for both bills, and recommend that the substitute pass.

Also, Assembly Bill No. 130; amended by committee, and a majority recommend that it pass as amended.

FREEMAN, Chairman.

Assembly Bills Nos. 1 and 26 were ordered printed.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Concurrent Resolution No. 8—relative to land granted the Stockton and Copperopolis Railroad;

Also, Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty first, eighteen hundred and seventy-two;

Also, Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds;

Also, Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of the county indebtedness, approved March twenty-sixth, eighteen hundred and seventy,

Also, Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds;

And that the same were, this ninth day of February, eighteen hundred and seventy-four, at two o'clock and thirty minutes P. M., transmitted to the Governor, for his approval.

HAY, Chairman.

By Mr. Welch:

Mr. SPEAKER: The Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 32—An Act to authorize the appointment of certain permanent employes of the State Capitol, and to fix their compensation—respectfully report the same back with a substitute, and recommend the passage of the substitute.

WELCH, Chairman.

By Mr. Davis:

Mr. SPEAKER: Your committee to whom was referred Senate Bill No. 182—An Act to provide for the building of a school house in Oakdale School District, in the County of Stanislaus, State of California—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

By Mr. Dixon:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 226 and Assembly Bill No. 303, beg leave to report the same back, and recommend their passage.

DIXON, for Delegation.

By Mr. Hammitt:

Mr. SPEAKER: The delegation to whom was referred Assembly Bill

No. 40, have had the same under consideration, and have amended the same, and now recommend its passage as amended.

A. W. HAMMITT, for Delegation.

By Mr. Parker:

MR. SPEAKER: The Tuolumne, Inyo, and Mono delegation, to whom was referred Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E Chaquette for building bridges for said county—respectfully report the same back, and recommend its passage.

PARKER, for Delegation.

#### RESOLUTIONS.

Resolutions were submitted, as follows:

By Mr. Amerman:

*Resolved*, That the Sergeant-at-Arms of the Assembly be and he is hereby directed to purchase daily such amount of ice as may be necessary to render the drinking water furnished to members of this House cool and palatable, at an expense not exceeding two dollars per day, payable out of the Assembly Fund for Contingent Expenses.

Adopted.

By Mr. Pelham—Concurrent Resolution relative to the introduction of bills after the first of March.

Laid on the table.

#### NOTICE.

By Mr. Gurnett, of a bill entitled an Act to authorize the City of Oakland to construct a main sewer.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Murphy—An Act to amend an Act entitled an Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Coggins—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy two.

Read first and second times, and referred to the Sacramento delegation.

Also, an Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Aldrich—An Act to confer further powers upon the City

Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Russell—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, passed April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Franck—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as it relates to Santa Clara County.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Amerman—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Read first and second times, and ordered on File.

By Mr. Wright—An Act to amend section thirty-three hundred and eighty-one of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Freeman—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo.

Read first and second times, and referred to the Solano and Yolo delegations.

#### GENERAL FILE.

Senate Bill No. 58—An Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant.

Read a third time, and passed.

Senate Bill No. 170—An Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California.

Read a third time, and passed.

Senate Bill No. 173—An Act to incorporate the City of Eureka.

Read a third time, and passed.

Assembly Bill No. 144—An Act for the relief of James P. Sargent, assignee of James W. Davis.

Withdrawn by the author.

Assembly Bill No. 165—An Act to amend the Civil Code of this State. Passed on the File.

Assembly Bill No. 188—An Act to authorize the payment of fees and mileage to certain witnesses.

The House went into Committee of the Whole for the consideration of the above bill.

[Mr. Ables in the chair.]

The bill was amended, when, on motion of Mr. Murphy, the committee arose, reporting the bill back, and recommending its engrossment.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 188, above reported from Committee of the Whole, was ordered engrossed.



Mr. Howe gave notice that he would, on to-morrow, move to reconsider the vote by which the House passed to engrossment Assembly Bill No. 188.

Assembly Bill No. 161—An Act concerning lawful and partition fences. Passed on File.

[Speaker pro tem. in the chair.]

Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

The bill was amended, and on a motion to suspend the rules, consider the bill engrossed, and placed on its final passage, the ayes and noes were demanded by Messrs. Terrill, Estee, and Thomas, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Amerman, Barton, Bradley, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Hay, Howe, Hurlburt, Ingham, Long, Meyers, Miller, Northcutt, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Terrill, Tinnin, Thomas, Tully, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—54.

NOES—Messrs. Aldrich, Higbie, Hill, Klotz, Knox, Morgan, Northup, and Peek—8.

The bill was read a third time, and passed.

#### LEAVE OF ABSENCE.

Leave of absence was granted for one day, to Messrs. Vandall and Swift.

At four o'clock and fifty minutes P. M., on motion of Mr. Terrill, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, February 10th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITION.

The Speaker presented a petition from F. F. Gallardo, in reference to a certain District Judge.

Referred to the Judiciary Committee.

## REPORTS.

By Mr. Gray:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Bill No. 292—An Act concerning the selection and sale of the University lands—have had the same under consideration, and report it back, with the recommendation that it pass.

Also, Assembly Bill No. 293—An Act to amend section three thousand three hundred and ninety-eight of the Political Code—report the same back, and recommend its passage.

Also, Assembly Bill No. 174—An Act concerning the selection and sale of the University lands—report the same back, and recommend that its author have leave to withdraw it—Assembly Bill No. 292 supplying its place.

GRAY, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 76—An Act for the relief of A. A. Bennett, architect of the State Armory and Governor's Mansion—beg leave to report that they have considered said bill, and report the same back, and recommend its passage.

Also, Senate Bill No. 126—An Act to appropriate money to pay the claim of George Blanchard—your committee respectfully report that they have examined said claim, and hereby report it back, with the recommendation that Senate Bill No. 126 do pass.

In the matter of the petition of John Johnson, for pay for extra work as watchman at the State Capitol, your committee would respectfully recommend that the consideration of said petition be indefinitely postponed.

TINNIN, Chairman.

Mr. Meyers had leave to withdraw Assembly Bill No. 174—An Act concerning the selection and sale of the University lands.

By Mr. Welch:

Mr. SPEAKER: The Napa County delegation, to whom was referred Senate Bill No. 209—An Act to fix the fees of the Surveyor of Napa County—report the same back, with a recommendation that it pass.

WELCH, Chairman.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 9th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 103—An Act to prevent hogs and goats running at large in the Town of Davisville, Yolo County.

Also, Assembly Bill No. 159—An Act to amend an Act entitled an Act for the suppression of Chinese houses of ill fame, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 62—An Act to repeal an Act entitled an Act to provide for the protection from overflow by Putah Creek, of certain lands in the Counties of Yolo and Solano, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 78—An Act regulating the salaries of certain officers of Mariposa County.

Also, Assembly Bill No. 33—An Act to provide for the payment of certain witnesses in the case of the People of the State of California vs. Horace Smith.

NEWTON BOOTH,  
Governor.

#### RESOLUTION.

By Mr. Patterson:

*Resolved*, That the San Francisco delegation be allowed a clerk, at a per diem not to exceed five dollars, to be paid out of the Contingent Fund of this House.

Referred to the Committee on Rules and Employés.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 9th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 244—An Act to abolish the office of County Assessor in the County of Alameda, and to create Township Assessors instead.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 10th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth day of February, eighteen hundred and seventy-four, passed Senate Concurrent Resolution No. 25—on Chinese immigration and the Burlingame treaty.

Also, passed Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

Also, passed Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes.

Also, passed Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra.

Also, passed Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

Also, adopted Senate Concurrent Resolution No. 17—relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad,

in the Counties of San Luis Obispo, Monterey, Santa Clara, Santa Cruz, San Mateo, and San Francisco, to preemption and homestead entry.

Also, on the ninth day of February, passed Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

Also, passed Senate Bill No. 184—An Act to change the present boundaries of the City of Sacramento.

Also, passed Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the Reports of the Supreme Court.

Also, passed Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture, etc., approved April first, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, that the Senate, on yesterday, appointed as committee on part of the Senate, under Joint Resolution No. 41, relative to investigation of University matters, Senators Pendegast, Evans, and Keys.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 244, above reported, was read first and second times, and referred to the Alameda delegation.

Senate Concurrent Resolution No. 25, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 196, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 174, above reported, read first and second times, and referred to the Lake and Napa delegation.

Senate Bill No. 223, above reported, read first and second times, and referred to the Plumas and Sierra delegations.

Senate Bill No. 224, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Joint Resolution No. 17, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 140, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 184, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 89, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 191, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 111, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

By Mr. Tully—An Act concerning fees in office of the Sheriff of Monterey County.

Read first and second times, and referred to the Monterey delegation.

By Mr. Hammitt—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County.

Read first and second times, and referred to the Contra Costa delegation.

By Mr. Ables—An Act to provide for the issuance of the bonds of the County of Marin for the payment of the outstanding indebtedness of said county, for road and bridge purposes.

Read first and second times, and referred to the Marin delegation.

By Mr. Swift—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hamill—An Act for the relief of Thaddens R. Brooks.

Read first and second times, and referred to the San Francisco delegation.

By Mr. McCallum—An Act concerning roads and highways in Mendocino County.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Franck—An Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Freidenrich—An Act to provide for the fees of Court Commissioners in and for the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Hill—An Act to prevent double taxation.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Venable—An Act to promote the destruction of squirrels and other wild and destructive animals.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Tully—An Act concerning roads and highways in the County of Monterey.

Read first and second times, and referred to the Monterey delegation.

By Mr. Williams—An Act to amend the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee. Also, by the same—An Act to create a permanent Commission on Law Codification.

Read first and second times, and referred to the Judiciary Committee.

#### COMMUNICATION.

The Speaker presented a communication and physician's certificate from W. N. McNamara, in reference to Senatorial bribery matters.

On motion of Mr. Williams, the communication and certificate were ordered returned to the author.

## LEAVE OF ABSENCE.

*Leave of absence for one day was granted to Mr. Venable.*

## REPORT.

Mr Paulsell had leave to make the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Senate Bill No. 96—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two—have carefully considered and amended the same, and report it back, and recommend its passage as amended

PAULSELL, for Delegation.

## GENERAL FILE.

Assembly Bill No. 96—An Act to define the Senatorial and Assembly districts of this State, and to apportion the representatives thereof.

Ordered placed at top of the File for Thursday next.

Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Read a third time, and passed.

Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County.

Read a third time, and passed.

Assembly Bill No. 249—An Act concerning official bonds in Mono County.

Read a third time, and passed.

Substitute for Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

On motion of Mr. Freeman to strike out the enacting clause, the ayes and noes were demanded by Messrs. Coggins, Freeman, and Paulsell, and the House refused, by the following vote:

AYES—Messrs. Bradley, Bryan, Chandler, Clark, Coggins, Davis, Franck, Freeman, Gray, Hammitt, Higbie, Hurlburt, Kercheval, Knox, Meyers, Paulsell, Rea, Simpson, Swift, Thomas, and Venable—21.

NOES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Burt, Byers, Byrnes, Canfield, Cowdery, Cressler, Dixon, Escandon, Fahcy, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hay, Hill, Howe, Klotz, Long, McBride, McCallum, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Summers, Terrill, Tinnin, Tully, Welch, Wickware, Williams, Winchell, and Wright—54.

The bill was read a third time, and passed.

Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

On motion of Mr. Williams, to make the bill number two on the File for Thursday next, the ayes and noes were demanded by Messrs. Murphy, Tully, and Stowers, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Canfield, Cowdery, Davis, Franck, Freidenrich, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Higbie, Hill, Howe, McCallum, Meyers, Parker, Patterson, Paulsell, Rogers, Roush, Russell, Simpser, Snyder, Swift, Terrill, Thomas, Venable, Welch, Wickware, Williams, Wright, and Mr. Speaker—35.

NOES—Messrs. Amerman, Bowers, Bradley, Bryan, Burt, Byers, Chandler, Clark, Coggins, Cressler, Dixon, Escandou, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gray, Hurlburt, Kercheval, Klotz, Knox, Long, McBride, Miller, Morgan, Murphy, Northcutt, Northup, Peek, Pelham, Pishon, Simpson, Stowers, Summers, Tinnin, Tully, and Winchell—37.

The bill was read a third time, and passed.

Senate Bill No 182—An Act to provide for the building of a school house in Oakdale School District, in the County of Stanislaus, State of California.

On the passage of the bill, the ayes and noes were demanded by Messrs. Paulsell, Russell, and Terrill, and the House refused, by the following vote:

AYES—Messrs. Amerman, Byers, Byrnes, Canfield, Carter, Davis, Dixon, Escandon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hill, Howe, Long, McCallum, Miller, Murphy, Northcutt, Northup, Parker, Patterson, Peek, Pishon, Simpson, Snyder, Stowers, Summers, Swift, Tully, and Wickware—33.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Chandler, Clark, Coggins, Cowdery, Cressler, Freeman, Freidenrich, Gilmore of El Dorado, Gray, Hamill, Hammitt, Hay, Higbie, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, Meyers, Norton, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpser, Terrill, Tinnin, Thomas, Venable, Welch, Williams, Winchell, Wright, and Mr. Speaker—42.

Mr. Williams gave notice that he would, on to-morrow, move to reconsider the vote by which the House refused to pass Senate Bill No. 182.

#### RESOLUTION.

Mr. Swift had leave to introduce the following resolution:

*Resolved*, That William Harney, County Clerk of the City and County of San Francisco, be and he is hereby directed to keep in charge the ballots cast at the election for members of the Legislature, held in said city and county on the third day of September, eighteen hundred and seventy-three, and that he deliver the said ballots to the Election Committee of this Assembly as they may be required by said committee for the purpose of being counted, and that the said County Clerk shall identify each package as it is so delivered, and shall receive the same after it is counted.

Adopted.

#### REPORT.

Mr. Amerman had leave to make the following report:

MR. SPEAKER: The Alameda delegation, to whom was referred Senate

Bill No. 244—An Act to abolish the office of County Assessor of Alameda County, and to establish Township Assessors—respectfully report the same back, and recommend its passage as amended.

AMERMAN, for Delegation.

Senate Bill No. 244, above reported, amended, rules suspended, read a third time, and passed.

Assembly Bill No. 297—An Act to provide a County Treasurer for the County of Fresno for the term commencing the first Monday in March, in the year eighteen hundred and seventy-four.

On motion of Mr. Ferguson, taken up out of its regular order, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Norton had leave to make the following report:

*To the honorable the Speaker and members of the Assembly of the State of California:*

The undersigned, your committee appointed to investigate the charges of bribery in the late Senatorial election, and in the due observance of such duties, it became necessary and proper, amongst other things required, to have the person of one William Nugent McNamara, a resident of San Francisco, before them, being a necessary and material witness on said investigation, and to that end your committee issued a subpoena, directed to said McNamara, signed by the honorable Speaker of this Assembly, requiring and directing him, the said McNamara, to be and appear before this committee on the ninth day of February, eighteen hundred and seventy-four, at the hour of half past seven o'clock P. M. of that day; and said subpoena was placed in the hands of the Deputy Sergeant-at-Arms of this Assembly, M. C. Conroy, who proceeded to San Francisco, and there, on the seventh day of February, eighteen hundred and seventy-four, at the hour of six o'clock and sixteen minutes, he served said McNamara, by delivering to him, said McNamara, a copy of said subpoena, and then and there tendering to him, said McNamara, money sufficient to defray his expenses to reach Sacramento. Said McNamara declining then and there to obey said subpoena or mandate, and on the ninth day of February, eighteen hundred and seventy-four, at the hour of half-past seven o'clock P. M., and subsequent thereto, during the night of that day, the said McNamara failed to answer to his name when called, and failing to appear as a witness as aforesaid, and does still fail to comply with said mandate or subpoena, wherefore, your committee respectfully ask that said William Nugent McNamara be declared in contempt of disobeying the mandate or subpoena issued from this Assembly, to him directed as aforesaid, and that a warrant of arrest be ordered to issue for the arrest of said William Nugent McNamara, and have him brought before this Assembly, or committee thereof, and show cause why he, said McNamara, should not be punished for contempt of the mandate of the Assembly, as aforesaid. The original subpoena, with the return of service of the Deputy Sergeant-at-Arms, is made a part of this report.

SUMMERS, Chairman.



ASSEMBLY CHAMBER,  
State of California. }

To JOHN DOE McNAMARA, *greeting*:

You are commanded that; all business and excuses being set aside, you be and appear before the Assembly Committee on Bribery Investigation of the Assembly of the twentieth session of the Legislature of the State of California, at the Assembly Chamber, in the City and County of Sacramento, on Monday, the ninth day of February, A. D. eighteen hundred and seventy-four, at seven o'clock and thirty minutes P. M., then and there to answer such questions as may be put to you in reference to certain matters now pending before said committee; and for failure, you will be deemed guilty of contempt of the Assembly, and liable to punishment therefor.

Given under my hand, this sixth day of February, eighteen hundred and seventy-four.

MORRIS M. ESTEE,  
Speaker of the Assembly of the State of California.

D. T. LOOFBOURROW, Chief Clerk.

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I hereby certify that I served a copy of the within subpoena on William Nugent McNamara, at the City of San Francisco, at six o'clock and sixteen minutes P. M., on February seventh, eighteen hundred and seventy-four, by delivering him a copy thereof, showing to him this, the original, and informing him of the contents of the same.

WILLIAM M. CRUTCHER.

By M. C. CONROY, Deputy Sergeant-at-Arms.

At twelve o'clock M., the House took a recess until one o'clock P. M.

REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

REPORT.

Mr. Bradley had leave to submit the following report:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Substitute for Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

BRADLEY, Chairman.

## SPECIAL ORDER.

The Speaker announced as the special order, consideration of Assembly Bill No. 185—An Act amendatory of section three thousand nine hundred and eighty one of the Political Code of the State of California.

Pending consideration of the above bill, Mr. Terrill had leave to present a petition from citizens of San Mateo County, protesting against said county being exempted from the provisions of Assembly Bill No. 185, and moving the reference of the bill and petition to the Judiciary Committee.

*Lost.*

[Speaker pro tem. in the chair.]

The bill was indefinitely postponed.

[Speaker in the chair.]

## RESOLUTION.

Mr. Norton had leave to introduce the following resolution:

*Resolved*, That in conformity with the report of the Committee of Investigation, on charges of bribery in the late Senatorial election, a warrant be issued forthwith, signed by the Speaker of the Assembly, for the arrest of William Nugent McNamara, and that the body of the said McNamara be brought by the Sergeant-at-Arms before this Assembly forthwith, and that said Sergeant-at-Arms detain in his custody said William Nugent McNamara till the further order of this Assembly.

*Adopted.*

## GENERAL FILE RESUMED.

Senate Bill No. 226—An Act supplementary to an Act entitled an Act concerning roads and highways in Sonoma County, approved March twenty-third, eighteen hundred and seventy-two.

Read a third time, and passed.

Assembly Bill No. 165—An Act to amend the Civil Code of this State. Passed on the File.

Assembly Bill No. 161—An Act concerning lawful and partition fences.

The House refused to engross the bill.

Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude.

Substitute ordered engrossed.

Assembly Bill No. 83—An Act to amend section three thousand nine hundred and eleven of the Political Code, relating to the boundary line between Shasta and Tehama Counties.

The bill was withdrawn by the author.

Assembly Bill No. 105—An Act to define the mode of electing members of the Assembly, and of representatives of electors therein.

The House refused to engross the bill.

Assembly Bill No. 116—An Act to amend the Penal Code by adding

a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Ordered engrossed.

Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri.

Amended, and ordered engrossed.

Assembly Bill No. 131—An Act entitled an Act to provide for funding the debt of Kern County.

Passed on the File.

Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Amended, and ordered engrossed.

Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Amended, and ordered engrossed.

#### REPORT.

Mr. Bradley had leave to introduce the following report:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 297—An Act to provide a County Treasurer for the County of Fresno for the term commencing the first Monday in March, in the year eighteen hundred and seventy-four.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of San Antonio Creek, in the County of Alameda.

Placed on File for Friday next, and ordered printed.

#### RECONSIDERATION.

Pursuant to notice, Mr. Howe moved to reconsider the vote by which the House, on yesterday, passed to engrossment Assembly Bill No. 188—An Act to authorize the payment of fees and mileage to certain witnesses.

Carried.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Clark in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Murphy, the committee rose, reported the bill back, and recommended its engrossment.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 188, reported from the Committee of the Whole.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Howe, Vandall, and Norton, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Barton, Byrnes, Dixon, Gilmore of Calaveras, Hammitt, Klotz, Murphy, Northcutt, Northup, Parker, Patterson, Peek, Stowers, Terrill, Timmin, Welch, Wickware, Winchell, Wright, and Mr. Speaker—21.

**NOES**—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gray, Gurnett, Hamill, Hay, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Norton, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Thomas, Vandall, Venable, and Williams—53.

At three o'clock and forty-seven minutes P. M., on motion of Mr. Gray, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, February 11th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

By Mr. Williams:

**MR. SPEAKER:** The Committee on Judiciary have considered Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 22—An Act concerning commercial travelers, and providing a license—and report it back with a substitute, and recommend the passage of the substitute.

WILLIAMS, Chairman.

By Mr. Kercheval:

**MR. SPEAKER:** The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 164, with special instructions to amend, report it back with amendments, and recommend its passage.

KERCHEVAL, Chairman.

By Mr. Franck:

**MR. SPEAKER:** Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 35—relative to title in fee

of the Government to public lands—beg leave to report that they have considered the same, and respectfully report it back, and recommend its passage.

Your committee have also had under consideration Senate Concurrent Resolution No. 35—relative to the repeal of the Act of Congress fixing the time for the election of Representatives of the State of California to the Forty-fourth Congress—and would respectfully report the same back, and recommend its passage.

FRANCK, Chairman.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred the bills hereinafter named by number and title, have had said bills under consideration, and now beg leave to submit the following report thereon:

Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county—they have considered and agreed upon two amendments thereto, which are attached to the bill as returned; and they further report the bill back, and recommend its passage as amended.

Also, Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco—to which they have agreed with two amendments, which are attached to the bill as returned, and report the same back, with the recommendation that it pass as amended.

Also, Assembly Bill No. 314—An Act to confer certain powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county—which bill they have had under consideration, and have agreed upon two amendments, which appear attached to the bill as returned, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street—which bill they have considered in delegation, and agreed upon without amendment, and report the same back, and recommend the passage of the bill.

SWIFT, for Delegation.

By Mr. Hammitt:

Mr. SPEAKER: The Contra Costa delegation, to whom was referred Assembly Bill No. 321, have considered the same, and now report it back, and recommend its passage.

A. W. HAMMITT, for Delegation.

By Mr. Ables:

Mr. SPEAKER: The Marin delegation, to whom was referred Assembly Bill No. 322—An Act to provide for the issuance of bonds of the County of Marin for the payment of the outstanding indebtedness of said county for road and bridge purposes—report the same back, and recommend its passage.

ABLES, for Delegation.

By Mr. Hay:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred As-

sembly Bill No. 316—An Act repealing the squirrel and gopher bounty Act of Santa Clara County—have had the same under consideration, and hereby report the same back with a substitute, and recommend the passage of the substitute.

HAY, for Delegation.

By Mr. Welch:

Mr. SPEAKER: The Napa delegation, to whom was referred Senate Bill No. 174—An Act to reorganize the Board of Supervisors of Napa County, and for other purposes—report the same back, and recommend its passage.

WELCH, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 10th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 156—An Act to amend an Act entitled an Act for the protection of fish in the waters of Butte Creek, in the County of Butte, approved February twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 101—An Act amendatory of an Act entitled an Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness, approved March twenty-sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 94—An Act to authorize the Board of Supervisors of Humboldt County to transfer certain funds.

Also, Assembly Bill No. 85—An Act to authorize the Board of Supervisors of Del Norte County to transfer certain funds.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS.

By Mr. Murphy—Concurrent Resolution relative to the abolition of the tariff on quicksilver.

Read first and second times, and referred to Committee on Federal Relations.

By Mr. Cowdery:

*Resolved*, That the Engrossing Clerk be authorized to insert title and enacting clause in Assembly Bill No. 116—An Act to amend the Penal Code, by adding a section to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Adopted.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 10th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Joint Resolution No. 34—relative to the establishment of a penal colony in Alaska.

Also, amended and passed Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

J. B. CHINN,  
Assistant Secretary.

SENATE CHAMBER,  
February 10th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventh day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County.

Also, passed Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges.

Also, on February ninth, passed Substitute for Assembly Bill No. 72—An Act to provide for the election of Supervisors in the County of San Bernardino.

Also, on this day, passed Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter.

Also, passed Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California.

Also, directed to transmit an accompanying communication from State Treasurer Baehr, asking a committee of investigation as to his official conduct.

J. B. CHINN,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 228, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 233, above reported, read first and second times, and referred to the Committee on Internal Improvements.

Senate Bill No. 153, above reported, read first and second times, and referred to the Butte delegation.

The communication from F. Baehr, State Treasurer, above reported, asking investigation of his official conduct, if deemed necessary, was referred to the Committee on Ways and Means.

Senate Concurrent Resolution No. 34, above reported, read first and second times, and referred to the Committee on Federal Relations.

Assembly Bill No. 198, above reported, laid on the table until Tuesday next.

## NOTICE.

By Mr. Rogers, of an Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cowdery—An Act to amend an Act to establish a Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee. Also, an Act to amend the Civil Code, relating to liens.

Read first and second times, and referred to the Judiciary Committee. Also, an Act to amend the Civil Code, relative to liability of landlords. Read first and second times, and referred to the Judiciary Committee.

By Mr. Peek—An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Wright—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.

Read first and second times, and referred to the Sonoma delegation.

Also, an Act to authorize the City of Santa Rosa to borrow money.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Gurnett—An Act to authorize the City of Oakland to construct a main sewer.

Read first and second times, and referred to the Alameda delegation.

Also, an Act to provide funds for the City of Oakland.

Read first and second times, and referred to the Alameda delegation.

Also, an Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County.

Read first and second times, and referred to the Alameda delegation.

Also, an Act ratifying and confirming the action of the City Council of the City of Oakland for the relief of W. W. Foote.

Read first and second times, and referred to the Alameda delegation.

By Mr. Chandler—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy.

Read first and second times, and referred to the Sutter delegation.

## RECONSIDERATION.

On motion of Mr. Williams, the vote by which the House, on yesterday, refused to pass Senate Bill No. 182—An Act to provide for the building of a school house in Oakdale School District, in the County of Stanislaus, State of California—was reconsidered, and the bill was referred to the Committee on Education.

## GENERAL FILE.

Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion.



The House went into Committee of the Whole for consideration of the bill.

[Mr. Freidenrich in the chair.]

On motion of Mr. Bowers, the committee arose, reported the bill back, and recommended that it be referred to a Special Committee, consisting of Messrs. Bowers, Freeman, Cowdery, Tully, and Amerman.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 76, above reported from Committee of the Whole, was referred in compliance with recommendation of the committee.

#### RESOLUTION.

Mr. Cowdery had leave to introduce the following resolution:

*Resolved by the Assembly, the Senate concurring.* That one additional member be added to the Committee on Translating the Laws into Spanish, by the Assembly, in order to make the representation of each House upon said committee equal.

Adopted.

#### GENERAL FILE RESUMED.

Senate Bill No. 96—An Act to amend an Act entitled an Act to incorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two.

Amended, read a third time, and passed.

Senate Bill No. 126—An Act to appropriate money to pay the claim of George A. Blanchard.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Ingham in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Swift, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 126, above reported, was read a third time, and passed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 11th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Assembly Concurrent Resolution No. 40—to add an additional member to the committee to translate laws into Spanish.

IRA H. REED,  
Assistant Secretary.

The Speaker appointed Mr. Swift as an additional member to the committee, in accordance with the resolution above reported.

GENERAL FILE RESUMED.

Senate Bill No. 209—An Act to fix the fees of the County Surveyor of Napa County.

Read a third time and passed.

Assembly Bill No. 165—An Act to amend the Civil Code of this State. Passed on the File.

Assembly Bill No. 131—An Act entitled an Act to provide for funding the debt of Kern County.

Passed on the File.

Assembly Bill No. 179—An Act to add section sixteen hundred and twenty-five to the Political Code.

Referred to the Committee on Education.

At twelve o'clock M. the House took a recess until one o'clock P. M.

REASSEMBLED.

At one o'clock P. M. the House reassembled.

Speaker in the chair.

Roll called, and a quorum present.

REPORT.

Mr. Terrill had leave to present a report of the managers of the Magdalen Asylum.

Referred to the Committee on Ways and Means.

SPECIAL ORDER.

The Speaker announced the special order to be consideration of Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

By unanimous consent, the House took up, out of its order, Assembly Bill No. 295—An Act to fix the salaries of certain officers in Mendocino County.

Rules suspended, bill considered engrossed, read a third time, and passed.

SPECIAL ORDER RESUMED.

The House resumed consideration of Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

[Mr. Snyder in the chair.]

On motion of Mr. Williams, the bill was re-referred to the Judiciary Committee, with instructions to report to-morrow, and that the bill be placed second on the File.

INTRODUCTION OF BILL.

Mr. Howe had leave to introduce the following:

An Act to amend sections three thousand and nine, three thousand and ten, three thousand and twelve, and three thousand and thirty-two,

Article III, Chapter II, Title VII, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read first and second times, and referred to the San Francisco delegation.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 11th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the ninth day of February, eighteen hundred and seventy-four, passed Senate Bill No. 215—An Act fixing the compensation of certain officers of Humboldt County.

Also, this day, amended and passed Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

Also, refused to pass Assembly Bill No. 146—An Act to incorporate the Town of Castroville, Monterey County, California.

Also, refused to concur in Assembly amendment to section four of Senate Bill No. 58—An Act granting right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite grant.

Also, amended and passed Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County.

Also, passed Assembly Bill No. 222—An Act supplemental to an Act to regulate fees and salaries of certain officers, and to repeal certain other Acts, approved March fifth, eighteen hundred and seventy.

IRA H. REED,  
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 215, above reported, was read first and second times, and referred to the Humboldt delegation.

Assembly Bill No. 90, above reported, Senate amendments concurred in.

Senate Bill No. 58, above reported, the House receded from Assembly amendment to section four of the bill, after Mr. Williams, on leave, had submitted the following report:

*To the honorable the Assembly of the State of California:*

The Judiciary Committee and the Attorney General, to whom was referred the question of the power of the Legislature to authorize the Yosemite Turnpike Road Company to construct a road within the limits of the Yosemite grant, respectfully submit:

That an examination of the laws of Congress granting the Yosemite Valley to the State of California, and the laws of the State in relation thereto, has disclosed so many serious questions as to the character and effect of the grant, the powers and duties of the Commissioners appointed in pursuance of the Act of Congress; the extent of the power of the Legislature over the property granted and the Commissioners; the constitutionality of the tenure of office of the Commissioners appointed, and the consequent validity of their contracts; and the main

point to be passed upon, under the resolution of the Assembly, as to the power of the Legislature or the Commissioners to grant an exclusive franchise within the boundaries of the Yosemite grant to any one for any purpose; and the whole subject is surrounded by so many doubts, and so much can be said upon both sides of these various questions, that we deem them of sufficient importance to merit a final determination from the judicial branch of the Government.

We are, therefore, of the opinion that the question of the power of the Legislature to grant a right of way into the valley should not impede any proper legislation on the subject, leaving the persons injured, if any there be, to their remedy in the Courts.

WILLIAMS, Chairman.

JOHN L. LOVE,

Attorney General.

Assembly Bill No. 168, above reported, Senate amendments concurred in.

#### REPORT.

Mr. Hay had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, A. D. eighteen hundred and seventy-two—and that the same has, this eleventh day of February, A. D. eighteen hundred and seventy-four, at eleven o'clock and forty-five minutes, been delivered to the Governor, for his approval.

HAY, Chairman.

The Speaker presented a report from the Roman Catholic Female Orphan Asylum of San Francisco.

Referred to the Committee on Ways and Means.

Mr. Bradley had leave to present a report from the Marysville Benevolent Society.

Referred to the Committee on Ways and Means.

Mr. Russell presented a report from the St. Joseph's Orphan Asylum of Sacramento.

Referred to the Committee on Ways and Means.

Mr. Ables presented a report from the St. Vincent's Orphanage of San Rafael.

Referred to the Committee on Ways and Means.

#### INTRODUCTION OF BILL.

Mr. Gurnett had leave to introduce the following: An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city.

Read first and second times, and ordered placed third on File for Thursday, February twelfth.

## GENERAL FILE RESUMED.

Assembly Bill No. 184—An Act to repeal section one thousand five hundred and forty-two of the Political Code.

Ordered engrossed.

Assembly Bill No. 194—An Act for securing liens of mechanics and others.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 217—An Act to protect public funds of this State. The House refused to engross the bill.

Assembly Bill No. 224—An Act to prohibit the carrying of concealed weapons.

On motion to amend section three of the bill, as follows—"The provisions of this Act shall apply to the County of Del Norte only, and shall take effect therein immediately"—the ayes and noes were demanded by Messrs. Murphy, Klotz, and Cowdery, and the House refused, by the following vote:

AYES—Messrs. Barton, Bradley, Bryan, Chandler, Cowdery, Freeman, Freidenrich, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Meyers, Patterson, Paulsell, Pelham, Rogers, Snyder, Tully, Vandall, Welch, and Williams—23.

NOES—Messrs. Aldrich, Amerman, Bowers, Burt, Byers, Byrnes, Canfield, Carter, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Klotz, Knox, Long, McCallum, Miller, Morgan, Murphy, Northcutt, Northup, Parker, Peek, Pishon, Rea, Roush, Russell, Simpson, Stowers, Summers, Terrill, Tinnin, Thomas, Wickware, Winchell, Wright, and Mr. Speaker—48.

On motion of Mr. Vandall, to strike out the enacting clause of the bill, the ayes and noes were demanded by Messrs. Murphy, Klotz, and Tully, and the House so ordered, by the following vote:

AYES—Messrs. Barton, Bowers, Bradley, Bryan, Burt, Byers, Cowdery, Freeman, Freidenrich, Gilmore of El Dorado, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, McCallum, Meyers, Morgan, Parker, Patterson, Paulsell, Pelham, Pishon, Rogers, Roush, Simpson, Snyder, Thomas, Tully, Vandall, Welch, Williams, Winchell, and Wright—35.

NOES—Messrs. Aldrich, Amerman, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Klotz, Knox, Long, Miller, Murphy, Northcutt, Northup, Peek, Rea, Russell, Stowers, Summers, Terrill, Tinnin, Wickware, and Mr. Speaker—34.

Assembly Bill No. 231—An Act entitled an Act to transfer certain funds in the County of Kern.

Re referred to the Judiciary Committee, with an accompanying amendment.

## RECONSIDERATION.

Mr. Parker gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, struck out the enacting clause of Assembly Bill No. 224.

At three o'clock and fifty minutes p. m., Mr. Hill moved to adjourn.  
Lost.

GENERAL FILE RESUMED.

Assembly Bill No. 244—An Act to amend section four thousand three hundred and twenty-nine of the Political Code.

Re-referred to the Judiciary Committee.

Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Welch in the chair.]

On motion of Mr. Murphy, the committee arose, and reported the bill back, recommending its engrossment.

IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 245, reported from Committee of the Whole, on the motion to order the bill engrossed, the ayes and noes were demanded by Messrs. Paulsell, Burt, and McCallum, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Dixon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Hay, Higbie, Howe, Ingham, Klotz, Long, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Parker, Patterson, Peek, Pishon, Rea, Rogers, Russell, Simpson, Snyder, Stowers, Summers, Terrill, Thomas, Tully, Vandall, Venable, Wickware, Williams, and Winchell—51.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Cressler, Davis, Freeman, Gray, Hill, Hurlburt, Kercheval, Knox, McCallum, Paulsell, Pelham, Roush, Simpers, Wright, and Mr. Speaker—20.

At four o'clock and thirty-five minutes p. m., on motion of Mr. Snyder, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, February 12th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were submitted, as follows:

By Mr. Higbie:

MR. SPEAKER: The Committee on Education have had under consideration Assembly Bill No. 183—in relation to granting a pension to persons who make teaching a specialty for twenty-five years—and report the same back with amendments, and recommend its passage as amended.

HIGBIE, Chairman.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education report that Assembly Bill No. 179 has been carefully considered by the committee, report the same back, and recommend that it do not pass.

HIGBIE, Chairman.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education have carefully considered all the conditions surrounding Senate Bill No. 182—providing for the building of a school house in Oakdale School District—and unanimously recommend that it do not pass.

HIGBIE, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collecting of taxes—report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 258—An Act relating to conveyances of real estate—report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 257—An Act to add section eleven hundred and sixty-five to the Civil Code—report it back, and recommend its passage.

Also, Assembly Bill No. 288—An Act amendatory of the Political Code of the State of California, by adding thereto a section, to be designated as section twelve hundred and seventy-nine—report it back, and recommend its passage.

Also, Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northup, Horace Clark, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three; and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four—report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was referred As-

sembly Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County—beg leave to report that they have had the same under consideration, and, having examined a number of witnesses in connection therewith, respectfully present to the Assembly the result thereof.

It appears that, immediately upon the receipt of the news of the Tres Pinos murder by the gang of Vasquez bandits, Andrew Wasson, Sheriff of Monterey County, telegraphed to Governor Booth, as follows:

"SALINAS CITY, August 27th, 1873.

"To GOVERNOR BOOTH:

"Am just telegraphed from Tres Pinos, in this county, informing me that Snyder's store had been robbed, and three men murdered, by a band of desperadoes, supposed to be the noted Vasquez band, who, for a long time, have been a terror to this county. Their depredations have been many, and it is the wish of the people that assistance should be rendered by you, if possible, to try and capture them. Let me know, at once, if I can have the needed assistance. There should be at least twenty-five well-armed men, as the country is hard of access, and the danger of these desperadoes well known. Answer at once.

(Signed:)

"A. WASSON, Sheriff."

To which the following reply was returned:

"SACRAMENTO, August 27th, 1873.

"To WASSON:

"If you will get necessary scouts, not to exceed twenty-five, will recommend Legislature to pay. Think they would be far better than an organized military company.

(Signed:)

"NEWTON BOOTH."

It appears that Sheriff Wasson did organize a posse and start in pursuit of said band, and it is for alleged expenses of the various expeditions in this pursuit that he asks relief from the Legislature. He furnished the committee with the following list of said expenses, which he testified were true and correct, and for which he had not been reimbursed:

*The People of the State of California to Andrew Wasson, Sheriff of Monterey County.*

Dr.

1873.		
July .....	To three men and self, trip to new Idria mines and Cantua Cañon, eight days, at four dollars each .....	\$96 00
	To hire of four horses, eight days, at one dollar per day.....	32 00
	To cash expended on trip for feed of men and horses, at two dollars and fifty cents per day each.....	80 00



August 9...	To one man and self, trip to Santa Clara County and to Santa Cruz Mountains, five days, at four dollars.....	\$20 00
	To horse hire on trip, two days, at one dollar each.....	4 00
	To cash expended for food of man and horses on the trip.....	10 00
August 27..	To thirteen men and self, six days, to New Idria mines, Cantua Cañon, Fresno, and Kern Counties, at four dollars per day each.....	312 00
	To cash paid for horse hire on trip, fourteen dollars per day.....	84 00
	To cash expended for food for men and horses, at two dollars and fifty cents per day each.....	210 00
	To cash paid railroad fare from Fresno to Salinas City, and expenses.....	25 00
Sept. 2.....	To twenty-four men and self, scouring the Coast Range between the Salinas River and Pacific Ocean, two days, at four dollars per day.....	192 00
	To cash paid for horse hire, twenty-five horses, at one dollar per day, two days.....	50 00
	To cash expended on food for men and horses, at two dollars and fifty cents per day each.....	120 00
Sept. 7.....	To Under Sheriff and one man, in San Luis Obispo County, ten days, at four dollars per day.....	40 00
	To cash paid for horse hire, two horses, ten days, at two dollars per day.....	20 00
	To cash expended for food for men and horses, at two dollars and fifty cents per day each.....	50 00
Sept. 10....	To self and Sheriff Adams, six days, trip to New Idria mines, expenses incurred on trip for team, at five dollars per day.....	30 00
	Incidental expenses on trip.....	12 00
	To nine days service of a scout to La Gloria Cañon, at four dollars per day.....	36 00
October 1..	To self and two men, nine days trip to New Idria and Cantua Cañon, and thence to San Joaquin plains, Fresno County, at four dollars per day each.....	72 00
	To cash paid for horse hire, nine days, for three horses, at one dollar each per day.....	27 00
	To cash paid for food for men and horses, at two dollars and fifty cents per day.....	67 50
	To four days buggy hire, for self and Sheriff Adams, from Salinas City to Hollister, at five dollars per day.....	20 00
	To horse hire, two days, from Hollister to Tres Pinos, and incidentals, two days.....	10 00
	Total.....	\$1,642 00

To which account the following certificate was attached:

"We, the undersigned citizens of Monterey County, recommend the passage of the above bill, the services having been performed, and the same being a just and legitimate account, and no payment thereon having been made by Monterey County.

(Signed:)

"WILLIAM H. WEBB,  
"ROBERT McKEE, Co. Treasurer,  
"A. B. GORDON, Supervisor,  
"FRANK MARTIN,  
Supervisor of Hollister,  
"JOHN SHEEHY, Supervisor,  
"JAMES F. BREEN, Co. Judge,  
"A. M. POOLE, County Clerk,  
"W. M. R. PARKER, Deputy Clerk,  
"S. F. GEIL, District Attorney."

Also, the following certificate:

"I certify that the above work has been performed.

(Signed:)

"JOHN BREEN,  
"Chairman Board of Supervisors Monterey Co."

It also appears to your committee that of the above amount, two hundred and thirty-two dollars was expended prior to the Tres Pinos murder, but in pursuit of the Vasquez band, for various robberies committed in that section of the country.

It further appears that Sheriff Wasson, by means of information obtained of Sheriff Adams and another, caused the arrest of one Moreno, a member of the Vasquez band, who was convicted and sentenced to a life imprisonment in the State Prison. That a reward of one thousand dollars will be paid to Sheriff Wasson for this service. On this point, Sheriff Wasson testified before your committee that he was under obligations to divide this reward with three other parties, and would be entitled to retain but one fourth of it himself.

Wherefore, in view of the above statements made by witnesses before your committee, they would respectfully report back Assembly Bill No. 269, without recommendation.

W. J. TINNIN, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude.

Also, Assembly Bill No. 116—An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Also, Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego, to the City and County of St. Louis, Missouri.

Also, Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Also, Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

BRADLEY, Chairman.

By Mr. Franck:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 16—relative to a treaty of reciprocity between the United States and Mexico—report that they have carefully considered the proposition, and beg leave to set forth several reasons why it should pass.

The benefits resulting from a reciprocity treaty with Canada, whose products are nearly similar to our own, affords a just ground for the belief that free commercial intercourse between the citizens of nations whose products are dissimilar, would be of even greater benefit to the people of the respective countries. If one nation cannot do without the products of the other, free exchange is certainly the best policy for both.

A considerable portion of the river system of the United States enters Mexican territory, and it only requires a short period of recuperation in financial circles to have both countries brought into close connection by a railway system. A reciprocity treaty would give us, in time, the carrying trade of Mexico, and it would remove the exactions and restrictions which each nation has placed on the free interchange of products under their respective tariffs.

The great work of the age may be realized within a comparatively brief period, if the United States and Mexico are united by mutual interest to aid its accomplishment. A canal across the Isthmus of Tehuantepec has been pronounced, by competent engineers, to be of practicable construction. Captain Schoenfeldt, of the United States Navy, who surveyed the route, says that an interoceanic canal can be made at a reasonable expenditure of capital. Such a work would shorten the distance between our Atlantic and Pacific ports fully one half, and would reduce the cost of freight, insurance, etc., in the same proportion. Wheat could be shipped in bulk from our State to foreign countries, because, on the shorter voyage it would not be subjected to the contingencies to which it is exposed on the voyage around Cape Horn, and which forms the pretext for sacking it at an enormous loss to our farmers.

Mexico has resources in her public lands and mines, and has a large population that can be made producers, under a stable form of Government. Notwithstanding her long years of civil contentions, her debt is trifling in amount for a nation of ten millions of people. In fact, no other nation of so great a population is so free from that depressing burden on industry and capital. It is probable that at an early day, European capital, under the existence of a treaty of reciprocity between the United States and Mexico, would undertake the construction of an interoceanic canal across the territory of the latter, because there is an ample field to reward it in the commerce of the countries of which it would be the channel of intercommunication. California has a special interest in aiding the construction of the proposed work. The time may come when our grain cannot be shipped around Cape Horn to compete in the English markets with that of Russia. A shorter route across the ocean is a matter of necessity to our people, and a treaty of

reciprocity with our sister republic would afford capital such a guarantee as would speedily lead to its construction.

Wherefore, your committee beg leave to report said Senate Concurrent Resolution No. 16, and recommend its passage.

FRANCK, Chairman.

By Mr. Bowers:

MR. SPEAKER: The San Diego and San Bernardino delegations, to whom was referred Senate Bill No. 131—An Act to fix the salary of County Judge in the Counties of San Diego and San Bernardino—report the bill back, and recommend its passage.

BOWERS, for Delegation.

By Mr. Tully:

MR. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey—have had the same under consideration, and report the same back, with a recommendation that it pass.

TULLY, for Delegation.

By Mr. Coggins:

MR. SPEAKER: The Sacramento delegation having had under consideration Assembly Bill No. 312—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two—report the same back, with a recommendation that it pass.

Also, Assembly Bill No. 313—An Act to amend an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two—and report the same back, with a recommendation that it pass.

COGGINS, for Delegation.

By Mr. Barton:

MR. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 291—to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said lands—have had the same under consideration, report the same back, and recommend its passage.

BARTON, for Delegation.

By Mr. Ferguson:

MR. SPEAKER: The special committee to whom was referred Assembly Bill No. 255, have had the same under consideration, have prepared a substitute, and recommend the passage of the substitute.

FERGUSON,  
CANFIELD.

By Mr. Hurlburt:

MR. SPEAKER: The Humboldt delegation, to whom was referred Senate

Bill No. 215—An Act fixing the compensation of certain officers in the County of Humboldt—have had the same under consideration, and beg leave to report it back, with the recommendation that it do pass.

HURLBURT, for Delegation.

By Mr. Terrill:

MR. SPEAKER: Your committee appointed to investigate the affairs of the San Francisco City Hall Commission, created under the Act entitled an Act to provide for the erection of a City Hall in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy, beg leave to report that they have examined into said matter, and herewith submit the testimony taken. We find, therefore, the following facts:

Messrs. P. H. Canavan, Joseph G. Eastland, and Charles E. McLane were appointed Commissioners under said Act, and they entered upon the discharge of their duties, on the twenty-seventh day of April, eighteen hundred and seventy. After causing the grounds, specified in the Act, to be graded, they advertised extensively for plans and designs for a City Hall building, and likewise advertised for sale the lots directed by said Act to be sold.

The sale was delayed about four months by legal impediments, and on the thirty-first day of August, eighteen hundred and seventy-one, they were sold at public auction to the highest bidders, for nine hundred and fifty-three thousand nine hundred dollars, nearly all of which has been paid in except the last installment of twenty-five per cent, amounting to about three hundred and twenty-eight thousand three hundred and twenty-five dollars and thirty-three cents, including interest.

It was understood and believed at the time the said Act was passed, that said lots would realize enough to pay for the erection of said City Hall, and this fact was well known to said Commissioners, and while the Act provides for a permanent building of sufficient capacity to furnish suitable accommodations for the different Courts and Boards, and for the various officers of said city, together with a Hall of Records, yet the cost thereof was a necessary ingredient in the calculations of all said accommodations to be provided in said building, and this was ascertained and limited by the Act at one million five hundred thousand dollars.

While the Act provided, in general terms, the accommodations to be furnished, and the matter of details is left to the discretion and judgment of said Commissioners, it contains an unmistakable check upon such discretion, by providing, in positive terms, that the expenditure shall not exceed one million five hundred thousand dollars.

The advertisement for plans and designs was responded to by a number of leading architects, and the Commissioners, after advising with several prominent gentlemen of San Francisco, selected and adopted the plan and design of Mr. Laver. Neither of the Commissioners being practical builders, they called to their aid Messrs. Johnson and King—the one an architect, and the other a builder—who estimated upon the cost of said building in accordance with said design, and a modification was suggested, which, without materially deducting from its architectural beauty, would, in the judgment of said parties, bring the cost within one million five hundred thousand dollars. But we do not find that said estimates were based on anything more than a general comparison with the cost of several other buildings in San Francisco, which were of a much lighter and less durable character than said design called for.

Owing to the want of experience as builders, the Commissioners may

have been readily misled by said estimates, if they relied upon the judgment of those two, and ignored the openly expressed opinions of a score of other equally competent men.

The plans and designs were prepared by the competing architects upon certain specifications of a most general character contained in the letter of instructions issued to them by the Commissioners, and after the design of Mr. Laver had been adopted, we fail to find that an estimate of the cost of the building was made upon any details or complete specifications for the entire building. We are unable to conceive how a building of such magnitude, to be erected at the certain specified sum of one million five hundred thousand dollars, can safely be begun without such specifications and a careful estimate thereupon. We find, further, that no specifications for the entire building were actually prepared or submitted to the Commissioners until about the first day of October, eighteen hundred and seventy-three, a year and a half after the building was begun. We cannot but characterize this as extremely careless on the part of the Commissioners, and we can only attribute this course of action to their inexperience as builders, for the full examination which we have made of their conduct satisfies us that they have endeavored to erect a good and most substantial building, and have expended the large amount of money at their disposal, honestly, upon said building. The evidence shows that they have devoted much time and attention to their duties, and their integrity is not in the least impugned. While we cannot question their probity, we would say that their want of experience has led them into several gross errors, which, in a great measure, has caused the increased expenditures.

After said specification had been prepared by the architect and submitted to the Commissioners, we find that, acting upon the advice and suggestions of their architect, Mr. Laver, and the consulting architect, the Commissioners changed and modified the plans, by making the building fire-proof and more completely earthquake-proof than was designed originally. This change necessarily increased the cost, and, we believe, so far as this change is concerned, it was a wise and judicious one—especially after the lamentable experience of the City of Chicago. But when we consider that the great fire in that city occurred in October, eighteen hundred and seventy-one, nearly two months previous to the commencement of the last session of the Legislature, we believe the necessity for the change should have suggested itself to the Commissioners at that time, and an application should have been made to the Legislature, at its last session, for authority to make the additional expenditure. Indeed, it is somewhat remarkable that it was only after the last Legislature had adjourned that the experience of Chicago should then, for the first time, have dawned upon the minds of the Commissioners, and then only after it had been suggested to them by the architect. Said change was agreed upon in April, eighteen hundred and seventy-two, but still unmindful of the necessity of complete specifications as modified, we do not find that such specifications were called for until June eleventh, eighteen hundred and seventy-two, and that they were not fully prepared and submitted until September, eighteen hundred and seventy-three, and that in the meantime the work was being carried on with separate specifications for each portion as it progressed.

Thus, we conclude, that in the matter of specifications for the entire building, from which a careful and correct estimate could be made as to its cost, and without which not even a proximate estimate could be made, nor anything more than a "rough guess," no such specifications

in accordance with the modifications as agreed upon by them were called for until long after the building was begun, and it was only during the time that your committee's examination was in progress that a full and complete set of specifications were actually submitted.

The work of the building is now completed up to the line of the first floor, and contracts are already let to complete the walls of the Hall of Records, and put on the roof, and to carry the walls of the main building up to the line of the second floor joists, including furnishing and setting of the first floor joists and the iron bonding. The material appears to be of the best quality, and the work, so far as we are able to judge from the testimony, and from personal inspection, is being performed in a skillful and workmanlike manner.

We find that in letting the contract for the foundation walls, there was a failure of the necessary care in the preparation of the specifications, having a tendency to mislead bidders, but in all the other contracts the specifications were sufficient to secure an active competition.

The expense of the Commission, from the time of its organization up to the first day of January, eighteen hundred and seventy-four, including the salary of Commissioners, clerk, attorney, legal expenses, etc., amounts to ninety-one thousand two hundred and seventy-five dollars. There has been actually expended on the building, and the liabilities on the contracts now let, amount to one million two hundred and fifty-three thousand seven hundred and nine dollars and twenty-eight cents. The cost of grading the grounds amounts to fifty-two thousand three hundred and ninety-six dollars and fifteen cents. The total cost of the work, up to the completion of the present contract, including expenses of Commission, architect's department, labor, material, etc., will be about one million four hundred and fifteen thousand dollars. We find that warrants to the amount of seven hundred and seventy-three thousand and forty-eight dollars and sixty cents have been paid, which sum includes interest to the first day of January, eighteen hundred and seventy-four. This amount exhausts the funds, leaving warrants issued and unpaid, including interest, to the amount of four hundred and three thousand two hundred and two dollars and five cents. The warrants yet to be issued upon the contracts now let, when the same is completed, will amount to two hundred and sixty-nine thousand nine hundred and ninety-seven dollars and twenty-two cents, thus leaving a deficiency of six hundred and seventy-three thousand one hundred and ninety-nine dollars and twenty-seven cents, from which, deducting three hundred and twenty-eight thousand three hundred and twenty-five dollars and thirty-three cents, the amount, with interest, of the last installment yet due from the sale of lots, will leave the sum of three hundred and forty-four thousand eight hundred and seventy-three dollars and ninety-four cents, for the payment of which provision should be made.

As to the additional cost to complete the building, over and above the amount already expended and now contracted for, a number of estimates have been submitted to us. Two disinterested architects have made careful estimates of the probable cost, and although not as complete as your committee would desire it, they agree in estimating the additional cost at two million six hundred and forty-eight thousand and sixty dollars.

The contracts for brick were let in large quantities, and the prices paid would seem, by a comparison with the market price at said times,

of the best quality of brick, to have been too high, but the testimony shows that the Commissioners exercise the greatest care in accepting brick, and call for an extra article, which appears to be a grade higher than the best quality. It is questionable whether the necessity exists for requiring such a superior article, thereby greatly increasing the cost.

A most elegant and beautiful structure is being erected, and from its inception up to the present time your committee find that the Commissioners have laid more stress upon the fact of erecting a good substantial building, that would be a monument to the enterprise, skill, and architectural design of this age, rather than the cost of and expense of this monument.

We cannot, in conclusion, animadvert too severely upon the impunity with which the strict letter of the law seems to have been disregarded. Whatever discretion, in the erection of said building, was left for the Commissioners to exercise, was a legal discretion, within and not beyond the letter of the law. We fail to find any justification for its violation. While we would not hold them within the exact limit, and would give them a margin of even half a million, any greatly increased cost would be supplanting the law by their own uncontrolled discretion. Their honesty and integrity is unimpeached, they freely acknowledge a violation of the law which called the Commission into life; they assume the responsibility. The amount specified in the law may not have been sufficient; the remedy was to amend the law. This could only have been done by the Legislature. The Commissioners took it upon themselves to amend it. The consequences of the violation of the law must be borne, not by themselves, but by the City and County of San Francisco. A debt of about two million seven hundred and fifty thousand dollars must eventually be saddled upon said city. To save the one million five hundred thousand dollars already expended and contracted for, this expenditure becomes necessary. Whether it should be made, and the building completed at once, is a question which can only be properly decided by the people of said city and county.

We take occasion here to say that we cannot but denounce the practice of appointing on Commissions to erect public buildings, men who are not mechanics, and who have very little, if any, practical experience as builders, and who, through such want of experience, are liable to be, and frequently are, deceived, as to the character and cost of such buildings.

In view of these facts, your committee would recommend that the city be authorized to issue bonds to the amount of six hundred thousand dollars, to pay the outstanding warrants issued and to be issued upon the present contracts, and pay the expenses of the Commission, and complete the Hall of Records at once; and whether additional bonds should be issued forthwith, and in what quantities, to complete said building, should be left to a vote of the people of said city; that the Commission be closed as soon as the present contracts are completed, and their books and papers turned over to the Board of Supervisors of the City and County of San Francisco; and that this report be referred to the San Francisco delegation, to report such bill or bills as in their judgment they deem proper.

TERRILL, Chairman.

The testimony was referred to the San Francisco delegation, and the above report ordered printed.



## PETITION.

By Mr. Vandall—from citizens of San Francisco, asking the passage of an Act to empower the common school teachers of the State to take part in the selection of text-books.

Referred to the Committee on Education.

## REPORT.

By Mr. Bradley:

Mr. SPEAKER: The Yuba delegation, to whom was referred Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County—having had the same under consideration, would herewith report it back, and recommend its passage.

BRADLEY, for Delegation.

## ARRAIGNMENT FOR CONTEMPT.

At ten o'clock and forty-five minutes A. M., the Sergeant-at-Arms appeared on the floor of the House, presenting to the Assembly William Nugent McNamara, under arrest for contempt, in pursuance of the following resolution, passed by the Assembly on the tenth of February, instant:

*"Resolved, That in conformity with the report of the Committee of Investigation on charges of bribery in the late Senatorial election, a warrant shall be issued forthwith, signed by the Speaker of the Assembly, for the arrest of William Nugent McNamara, and that the body of said McNamara be brought by the Sergeant-at-Arms before this Assembly forthwith, and that said Sergeant at-Arms detain in his custody said William Nugent McNamara until further order of this Assembly."*

The Speaker notified Mr. McNamara that he would be accorded the privilege of making a statement in person, or by any member of the House, in extenuation of his contempt. Thereupon Mr. McNamara elected to appear personally, and disavowed any intentional disrespect in his refusal to respond to the original order of the House.

On motion of Mr. Cowdery, the explanation offered by Mr. McNamara was accepted, and he was discharged from the custody of the House.

## LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the Committee on Public Buildings and Grounds, and also to the Committee on Elections.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 11th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the

Senate, on this day, passed Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Also, passed Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Also, passed Assembly Concurrent Resolution No. 36—relative to suspension of Joint Rule Number Twenty.

Also, passed Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county.

Also, passed Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six.

Also, passed Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland, for the relief of Perry Johnson, City Marshal of said city.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 82, above reported, read first and second times, and referred to the Tulare delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Highie—An Act to add certain sections to, amend certain sections of, and repeal certain sections of the Political Code.

Read first and second times, and referred to the Committee on Education.

By Mr. Coggins—An Act to provide for the payment or funding of certain Controller's warrants drawn upon Swamp Land Funds.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Parker—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

Read first and second times, and ordered on File.

By Mr. Aldrich—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Snyder—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

Read first and second times, and referred to the Mariposa delegation.

By Mr. Gurnett—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the City of Oakland, County of Alameda.

Read first and second times, and referred to the Alameda delegation.

Also, an Act for the relief of Asa Howard and others of the County of Alameda.

Read first and second times, and referred to the Alameda delegation.

By Mr. Hay—An Act to regulate the fees of the County Recorder of Santa Clara County.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Rogers—An Act amendatory of and supplemental to an Act approved February tenth, eighteen hundred and seventy, entitled an Act amendatory of and supplemental to an Act entitled an Act to organize and regulate the Justices' Courts in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Welch—An Act to authorize the transfer and loan of certain funds in Lake County.

Read first and second times, and referred to the Lake County delegation.

By Mr. Tully—An Act prescribing what shall constitute a lawful and exclusive trade mark or trade name, and defining what shall be deemed an infringement thereof, and providing for the due registration and protection of such trade marks and trade names, and further repealing all Acts, and amendments to the same, heretofore enacted, concerning trade marks and trade names.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bradley—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville

Read first and second times, and ordered on the File.

#### GENERAL FILE.

Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry Cowell and others to lay down and maintain water pipes in the Town of Santa Cruz.

By unanimous consent, the bill was taken up out of its regular order, the rules suspended, considered engrossed, read a third time, and passed.

Substitute for Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representatives thereof.

[Speaker pro tem. in the chair.]

At eleven o'clock and fifty five minutes A. M., on motion of Mr. Norton, the time for taking recess was extended to twelve o'clock and twenty minutes P. M.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Peek, the hour for recess was extended to twelve o'clock and thirty minutes P. M.

At twelve o'clock and twenty-five minutes P. M., on motion of Mr. Parker, the hour for recess was extended to twelve o'clock and forty minutes P. M.

At twelve o'clock and forty minutes P. M., on motion of Mr. Bowers, the further consideration of the above bill was postponed until one o'clock and thirty minutes P. M., and the House took a recess until that time.

#### REASSEMBLED.

The House reassembled at one o'clock and thirty minutes P. M.

Speaker pro tem. in the chair.  
Roll called, and a quorum present.

#### REPORT.

Mr. Hay had leave to present the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and found correctly enrolled Assembly Bill No. 151—An Act to appropriate money for the relief of General J. A. Sutter;

Also, Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County;

And that the same have, this twelfth day of February, eighteen hundred and seventy-four, at twelve o'clock and forty-five minutes, been delivered to the Governor for his approval.

HAY, Chairman.

The House resumed consideration of Substitute for Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representatives thereof.

On the motion to make the bill the special order for Thursday, February nineteenth, at one o'clock P. M., the ayes and noes were demanded by Messrs Norton, Estee, and Hamill, and the House so ordered, by the following vote:

AYES—Messrs. Bradley, Bryan, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of El Dorado, Gray, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, Miller, Morgan, Murphy, Northeutt, Northup, Parker, Peek, Pelham, Pishon, Russell, Simpers, Simpson, Stowers, Summers, Tinnin, Tully, Venable, Williams, Winchell, and Wright—42.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byrnes, Carter, Cowdery, Davis, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Hay, Howe, Long, McCallum, Meyers, Norton, Patterson, Paulsell, Rea, Rogers, Roush, Snyder, Swift, Terrill, Thomas, Vandall, Welch, Wickware, and Mr. Speaker—35.

#### REPORT.

Mr. Bradley had leave to make the following report:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code.

Also, Assembly Bill No. 194—An Act for securing liens of mechanics and others.

Also, Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

BRADLEY, Chairman.

[The Speaker in the chair.]

#### INTRODUCTION OF BILLS.

Mr. Gilmore of Calaveras had leave to introduce the following: An

Act to authorize P. H. Kean, I. Whalen, Charles Hoerchner, their associates and assigns, to improve the channel of the Mokelumne River, from the North Fork to Winters' Bar, and to erect booms therein.

Read first and second times, and referred to the Committee on Corporations.

Mr. Terrill had leave to introduce the following: An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Read first and second times, and referred to the San Francisco delegation.

[Speaker pro tem. in the chair.]

#### GENERAL FILE RESUMED.

Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

On the motion of Mr. Hammitt to amend section seventeen of the bill as follows:

"3820. The Assessor must collect the taxes on all personal property, when, in his opinion, said taxes are not a lien upon the real property sufficient to secure the payment of 'the taxes.'"

The ayes and noes were demanded by Messrs. Gilmore of El Dorado, Hammitt, and Klotz, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Bryan, Byrnes, Canfield, Carter, Clark, Coggins, Cowdery, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hill, Howe, Ingham, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Murphy, Northcutt, Parker, Patterson, Paulsell, Pelham, Pishon, Rogers, Snyder, Summers, Tully, Wickware, Winchell, and Mr. Speaker—37.

NOES—Messrs. Aldrich, Bradley, Burt, Byers, Chandler, Cressler, Davis, Dixon, Fahey, Freeman, Hamill, Hurlburt, Miller, Morgan, Northup, Norton, Peek, Rea, Roush, Russell, Vandall, Williams, and Wright—23.

At four o'clock P. M., Mr. Cowdery moved that the House adjourn.  
Lost.

On motion of Mr. Freidenrich, to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Estee, Freidenrich, and Freeman, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bradley, Byers, Byrnes, Cowdery, Davis, Dixon, Freidenrich, Ferguson, Hamill, Howe, McCallum, Northcutt, Northup, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Summers, Vandall, Wickware, Wright, and Mr. Speaker—26.

NOES—Messrs. Bowers, Bryan, Burt, Canfield, Carter, Chandler, Coggins, Cressler, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hill, Ingham, Kercheval, Klotz, Knox, Long, Meyers, Miller, Morgan, Murphy, Norton, Peek, Roush, Russell, Snyder, Tinnin, Tully, Williams, and Winchell—34.

At four o'clock and fifteen minutes P. M., Mr. Cowdery moved that the House adjourn.

Lost.

The Speaker stated the question to be on the engrossment of the bill.

At four o'clock and seventeen minutes P. M., on motion of Mr. Freidenrich, that the House do now adjourn, the ayes and noes were demanded by Messrs. Cowdery, Bowers, and Clark, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Byrnes, Cowdery, Freidenrich, Ferguson, Hamill, Howe, Long, McCallum, Morgan, Northup, Parker, Patterson, Paulsell, Rogers, Snyder, Summers, Vandall, Wickware, Wright, and Mr. Speaker—22.

**NOES**—Messrs. Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Meyers, Miller, Murphy, Northcutt, Norton, Peek, Pelham, Pishon, Rea, Roush, Russell, Tinnin, Tully, Williams, and Winchell—41.

The Speaker announced the question to be on the engrossment of the bill.

Mr. Tinnin moved the previous question, which was seconded by Messrs. Bowers and Murphy, when Mr. Ferguson, at four o'clock and twenty-five minutes P. M., moved that the House do now adjourn, on which the ayes and noes were demanded by Messrs. Murphy, Bowers, and Aldrich, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Chandler, Cowdery, Davis, Dixon, Freidenrich, Ferguson, Hamill, Hill, Howe, Long, McCallum, Northup, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Snyder, Summers, Vandall, Wickware, and Wright—25.

**NOES**—Messrs. Ables, Bowers, Bryan, Burt, Byers, Canfield, Carter, Clark, Coggins, Cressler, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hurlburt, Ingham, Kercheval, Klotz, Knox, Meyers, Miller, Morgan, Murphy, Northcutt, Norton, Peek, Pelham, Roush, Russell, Tinnin, Tully, Venable, Williams, and Winchell—37.

The Speaker announced the question to be, "Shall the main question be now put?" which was decided in the affirmative, and on the engrossment of the bill the ayes and noes were demanded by Messrs. Hamill, Estee, and Vandall, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bowers, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Meyers, Miller, Morgan, Murphy, Norton, Parker, Peek, Pishon, Roush, Russell, Snyder, Tinnin, Tully, Vandall, Venable, Williams, and Winchell—42.

**NOES**—Messrs. Aldrich, Bradley, Cowdery, Davis, Dixon, Freidenrich, Ferguson, Hamill, Howe, Long, McCallum, Northcutt, Northup, Patterson, Paulsell, Pelham, Rea, Rogers, Summers, Wickware, Wright, and Mr. Speaker—22.

## NOTICE OF RECONSIDERATION.

Mr. Parker gave notice that he would, on to-morrow, move a reconsideration of the vote by which Assembly Bill No. 143 was ordered engrossed.

Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years—which was the special order for to-day, at one o'clock P. M., was, on motion of Mr. Freeman, made the special order for one o'clock P. M. to-morrow.

On motion of Mr. Freidenrich, Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—was made the special order for to-morrow, at two o'clock P. M.

At four o'clock and forty-five minutes P. M., on motion of Mr. Cowdery, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

ROBERT HOWE,  
Speaker pro tem.

## IN ' ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, February 13th, 1874. }

House met pursuant to adjournment.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

By Mr. Hill, from the managers of the Grass Valley Orphan Asylum.  
Referred to the Committee on Ways and Means.

## REPORTS.

Reports were submitted as follows:

By Mr. Tinnin:

Mr. SPEAKER: The Committee on Claims, having had under consideration Senate Bill No. 196—An Act to pay the claim of Newton Benedict—have carefully considered the same, report it back, and recommend its passage.

TINNIN, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 295—An Act to fix the salaries of certain officers in Mendocino County.

Also, Assembly Bill No. 276—An Act to authorize Isaac E. Davis, and Henry Cowell and others, to lay down and maintain water pipes in the Town of Santa Cruz.

BRADLEY, Chairman.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 213—beg leave to report that they have considered the same, and report it back, with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 199—and recommend its passage.

KERCHEVAL, Chairman.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 34—relative to an increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

Also, Senate Concurrent Resolution No. 34—relative to the establishment of a penal colony in Alaska—have considered the same, and report it back, and recommend that it do pass.

FRANCK, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 333—An Act to amend an Act to establish a Code of Civil Procedure—report it back, and recommend its passage.

Also, Assembly Bill No. 244—An Act to amend section four thousand three hundred and twenty-nine of the Political Code—report it back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code—report it back, and recommend its passage.

Also, Senate Bill No. 172—An Act to add a new section to the Code—report it back, and recommend its passage.

Also, Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County—report it back, and recommend its passage.

Also, Assembly Bill No. 318—An Act to amend section three thousand three hundred and eighty-one of the Political Code—report it back without recommendation.

WILLIAMS, Chairman.

On motion of Mr. Williams, Assembly Bill No. 333, above reported, was taken up out of its order, rules suspended, the bill considered engrossed, read a third time, and passed.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means, after consideration of Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts—report the same back, and recommend its passage.

FREEMAN, Chairman.



By Mr. Snyder:

Mr. SPEAKER: The Mariposa delegation, to whom was referred Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother for maintaining a ferry—beg leave to report the same back, and recommend its passage.

SNYDER, for Delegation.

By Mr. Chandler:

Mr. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 343—An Act to repeal an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy—beg leave to report the same back, and recommend its passage.

CHANDLER, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 12th, 1874.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 108—An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization.

Also, Assembly Bill No. 211—An Act to amend an Act entitled an Act to better define the boundary line between Mariposa and Fresno Counties, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 163—An Act to fund certain indebtedness of Sonoma County.

NEWTON BOOTH,  
Governor.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER, }  
February 12th, 1874.

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 114, above reported, was read first and second times, and referred to the Committee on Claims.

## RESOLUTION.

Mr. Ferguson had leave to introduce the following resolution:

*Resolved*, That the salary of the Sergeant-at-Arms of this House be raised two dollars per day, from the first day of December, A. D. eighteen hundred and seventy-three, to the close of the session, payable out of the Contingent Fund of the Assembly.

Adopted.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 12th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of interest thereon, and for the redemption thereof.

Also, adopted Assembly Concurrent Resolution No. 21—asking Congressional relief for A. B. Gilbert.

Also, amended and passed Assembly Bill No. 187—An Act to create the County of Summit.

IRA H. REED,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 83, above reported, was placed on File for to-morrow.  
Assembly Bill No. 187, above reported, Senate amendments concurred in.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Freeman—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Read first and second times, and ordered on File for to-morrow.

By Mr. Snyder—An Act relating to interest.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Roush—An Act concerning railroad tickets in this State.

Read first and second times, and referred to the Committee on Corporations.

## GENERAL FILE.

Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

Made the special order for Tuesday next, at one o'clock p. m.

Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes.

Referred to the Napa and Sonoma delegations.

Substitute for Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude.

Referred to the Judiciary Committee, with instructions to amend so as to make the bill conform to the Code, and report the same back tomorrow.

Assembly Bill No. 116—An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Read a third time, and passed.

Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego, to the City and County of St. Louis, Missouri.

Read a third time, and passed.

Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Read a third time, and passed.

Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Read a third time, and passed.

Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code.

Read a third time, and passed.

Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

Read a third time, and passed.

Senate Concurrent Resolution No. 16—Reciprocity treaty with Mexico.

Read a third time, and passed.

Senate Bill No. 131—An Act to fix the salary of the County Judge in the Counties of San Diego and San Bernardino.

Read a third time, and passed.

#### CONCURRENT RESOLUTION.

Mr. Coggins had leave to introduce a concurrent resolution relative to instructing our Senators and requesting our Representatives in Congress to use all honorable efforts to secure, at the earliest practicable moment, the passage of a resolution now pending in Congress, concerning certain alleged abuses and frauds in railroad management.

Rules suspended, resolution considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILL.

Mr. Higbie had leave to introduce the following bill:

An Act to provide for the establishment of a public library in the City of Los Angeles.

Read first and second times, and referred to the Los Angeles delegation.

## GENERAL FILE RESUMED.

Senate Bill No. 171—An Act to fix the salaries and compensation of certain officers in Yuba County.

Read a third time, and passed.

Senate Bill No. 182—An Act to provide for the building of a school house in Oakdale School District, in the County of Stanislaus, State of California.

House refused to pass the bill.

Senate Bill No. 215—An Act fixing the compensation of certain officers of Humboldt County.

Read a third time, and passed.

Substitute for Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of the several bays and creeks of this State.

[Speaker in the chair.]

Amended, and ordered engrossed.

## RECONSIDERATION.

Mr. Coggins moved to reconsider the vote by which the House, on yesterday, passed to engrossment Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

Pending consideration of the bill, at twelve o'clock M. the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced, as the special order, consideration of Assembly Bill No. 242—An Act making appropriations for the support of the Government of the State of California for the twenty sixth and twenty-seventh fiscal years.

On motion of Mr. Freeman, consideration of above bill was postponed until two o'clock P. M. to-day.

The Speaker announced, as the question before the House, the reconsideration of the vote by which the House, on yesterday, passed to engrossment Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

## REPORT.

Pending consideration of the above bill, Mr. Bradley had leave to make the following report:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 333—An Act to amend an Act to establish a Code of Civil Procedure.

BRADLEY, Chairman.

The House resumed consideration of Assembly Bill No. 143, and, on motion to reconsider the vote by which it was passed to engrossment, the ayes and noes were demanded by Messrs. Gray, Howe, and Rogers.

Pending discussion of the motion to reconsider, at one o'clock and fifty-eight minutes P. M., on motion of Mr. Kercheval, the consideration of the special order for two o'clock P. M.—Assembly Bill No. 242—was postponed until two o'clock and thirty-minutes P. M., to day.

At two o'clock P. M., the Speaker announced as the second special order, the consideration of Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—which, on motion of Mr. Parker, was made the special order for Friday, February twentieth, at one o'clock P. M.

#### RESOLUTION.

Mr. Meyers had leave to introduce the following resolution:

WHEREAS, Certain facts have come to the knowledge of the Committee on Land Monopoly, pointing to immense frauds in entering and obtaining possession of lands in the State of California; and whereas, it is necessary, in the judgment of said committee, to investigate thoroughly the said frauds perpetrated on the people of this State by land speculators and monopolists; therefore,

*Resolved*, That the Committee on Land Monopoly is hereby granted indefinite leave of absence, and is hereby authorized to send for persons and papers necessary for the said investigation, and is empowered to employ a phonographic reporter, at a per diem not to exceed ten dollars while actually employed in taking testimony, and fifteen cents per folio for transcribing the same.

Adopted.

The House resumed consideration of the motion to reconsider the vote by which Assembly Bill No. 143 was, on yesterday, ordered engrossed, and the roll was called, with the following result:

AYES—Messrs. Aldrich, Amerman, Bradley, Byrnes, Carter, Cowdery, Davis, Dixon, Freidenrich, Ferguson, Gilmore of Calaveras, Hamill, Hay, Hill, Howe, McCallum, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rogers, Swift, Vandall, Wickware, Wright, and Mr. Speaker—30.

NOES—Messrs. Bowers, Bryan, Burt, Byers, Canfield, Clark, Coggins, Cressler, Freeman, Giffen, Gilmore of El Dorado, Gray, Hammitt, Hurlburt, Ingham, Kercheval, Knox, Miller, Morgan, Peek, Rea, Roush, Russell, Snyder, Stowers, Summers, Tinnin, Tully, Venable, Williams, and Winchell—31.

#### INTRODUCTION OF BILLS.

Mr. Tinnin had leave to introduce the following: An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Read first and second times, and ordered to the head of the File for to-morrow.

Mr. Tinnin had leave to introduce an Act fixing the salary of the County Clerk in the County of Shasta.

Read first and second times, and ordered to the head of the File for to-morrow.

#### REPORT.

Mr. Rea had leave to present the following report:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 353—An Act regulating the fees of the County Recorder of Santa Clara County—have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

REA, for Delegation.

Assembly Bill No. 353, above reported, rules suspended, the bill considered engrossed, read a third time, and passed.

#### GENERAL FILE RESUMED.

Assembly Bill No. 219—An Act to prevent discrimination in places of public amusement.

Passed on File until to-morrow.

At two o'clock and thirty minutes P. M., pending consideration of Assembly Bill No. 219, the Speaker announced the special order to be consideration of Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

The House went into Committee of the Whole for the consideration of the above bill.

[Mr. Aldrich in the chair.]

On motion of Mr. McCallum, the committee arose, and reported the bill back, recommending that it shall lie on the table until the Chairman of the Committee on Ways and Means shall be ready to report the amount of appropriations required for support of the State University.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 242, reported from the Committee of the Whole.

On the motion to lay on the table, as recommended by the Committee of the Whole, the ayes and noes were demanded by Messrs. Williams, Coggins, and Howe, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Canfield, Carter, Davis, Dixon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Hamill, Hammitt, Hay, Kercheval, McCallum, Morgan, Northcutt, Northup, Norton, Parker, Patterson, Pelham, Pishon, Rea, Snyder, Stowers, Summers, Swift, Tinnin, Tully, Vandall, Winchell, and Mr. Speaker—36.

NOES—Messrs. Bradley, Bryan, Burt, Clark, Coggins, Cowdery, Cressler, Freeman, Gilmore of El Dorado, Hill, Howe, Hurlburt, Ingham, Knox, Paulsell, Peek, Rogers, Roush, Russell, Venable, Wickware, Williams, and Wright—23.

#### RESOLUTION.

Mr. Coggins had leave to introduce the following resolution:

*Resolved*, That the Committee on Ways and Means be instructed to inquire and report on the practicability of reducing the appropriations for incidental expenses of the several public offices.

Adopted.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 13th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of February, eighteen hundred and seventy-four, passed Senate Bill No. 255—An Act to repeal an Act concerning roads in the County of Sierra, approved February ninth, eighteen hundred and sixty-six.

Also, passed Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Also, passed Senate Bill No. 245—An Act for the relief of George W. Branch.

Also, passed Senate Concurrent Resolution No. 45—relative to the mail route from Shasta City to Lake City, Siskiyou County.

Also, on this day, adopted Assembly Concurrent Resolution No. 41—relative to the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies.

Also, passed Assembly Bill No. 171—An Act to provide for the construction of wagon roads in the County of Humboldt.

Also, passed Assembly Bill No. 333—An Act to amend an Act to establish a Code of Civil Procedure.

Also, concurred in Assembly amendments to Senate Bill No. 96—An Act to reincorporate the City of Stockton.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 13th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Substitute for Assembly Bill No. 210—An Act to regulate official fees and salaries in the County of San Bernardino.

Also, passed Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Public Administrator and Coroner of the County of Tuolumne.

Also, amended and passed Assembly Bill No. 138—An Act to provide for the payment of the architect and superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Also, passed Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Also, amended and passed Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland.

Also, passed Assembly Bill No. 106—An Act to authorize the husband or wife, or next of kin, of a deceased person, to collect and receive of any savings bank, any deposit therein where the same does not exceed the sum of three hundred dollars.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 171, above reported, Senate amendment concurred in.

Senate Bill No. 255, above reported, read first and second times, and referred to the Sierra delegation.

Senate Bill No. 245, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 250, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 45, above reported, read first and second times, and referred to the Committee on Federal Relations.

Substitute for Assembly Bill No. 210, above reported, House concurred in Senate amendments

Assembly Bill No. 138, above reported, Senate amendments concurred in.

Assembly Bill No. 23, above reported, Senate amendments concurred in.

#### GENERAL FILE RESUMED.

On motion of Mr. Northcutt, Assembly Bill No. 303—An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county—was taken up out of its order, the rules suspended, bill considered engrossed, read a third time, and passed.

At three o'clock and thirty-four minutes P. M., on motion of Mr. Amerman, the next half hour was devoted to the consideration of local bills on the File.

Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 290—An Act to prevent stallions from running at large in the County of Mono.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 305—An Act providing for an additional Justice of the Peace in Chico Township, Butte County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county.

Rules suspended, bill considered engrossed, read a third time, and passed.



Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Passed on the File.

Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Re-referred to the Alameda delegation.

Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California.

At four o'clock and five minutes, on motion of Mr. Amerman, the time for considering local bills was extended ten minutes.

Assembly Bill No. 40 was amended, the rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

At four o'clock and fifteen minutes P. M., on motion of Mr. Swift, the time for considering local bills was extended twenty minutes.

Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Ordered engrossed.

Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 322—An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the outstanding indebtedness of said county for road and bridge purposes.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street.

Rules suspended, the bill considered engrossed, read a third time, and

Assembly Bill No. 131—An Act entitled an Act to provide for funding the debt of Kern County.

Passed on the File.

Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said land.

Passed on the File.

Assembly Bill No. 312—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 357—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville.

Rules suspended, the bill considered engrossed, read a third time, and passed.

At four o'clock and forty minutes P. M., on motion of Mr. Aldrich, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, February 14th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were made as follows:

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 45—relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County—have had the same under consideration, and beg leave to report it back, and recommend its passage.

Also, have considered Senate Joint Resolution No. 17—relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad, in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preemption and homestead entry—and report it back, with the recommendation that it do pass.

FRANCK, Chairman.

By Mr. Clark:

MR. SPEAKER: The Butte delegation, to whom was referred Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California—have had the same under consideration, and ask leave to report it back, and recommend its passage.

CLARK, for Delegation.

By Mr. Bowers:

MR. SPEAKER: The San Diego delegation, to whom was referred Assembly Bill No. 238—An Act to regulate fees and salaries of officers, and defining their duties, in the County of San Diego, and other matters relating thereto—report it back, and recommend its passage.

BOWERS, for Delegation.

By Mr. Canfield:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein—beg leave to report upon the same, and recommend its passage.

W. CANFIELD.

By Mr. Wright:

MR. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bills Nos. 337 and 338, beg leave to report the same back, and recommend their passage.

WRIGHT, for Delegation.

By Mr. Miller:

MR. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due to the Committee on Hospitals, beg leave to report the following allowances due the members thereof:

Mr. Paulsell, two trips to San Francisco, one trip to Stockton, five hundred and sixty miles.....	\$84 60
Mr. Simpers, two trips to San Francisco, one trip to Stockton, five hundred and sixty miles..	84 60
Mr. Wickware, two trips to San Francisco, one trip to Stock- ton, five hundred and sixty miles.....	84 60
Mr. Davis, one trip to San Francisco, one trip to Stockton.....	49 50
Mr. Winchell, one trip to San Francisco, one trip to Stockton..	49 50
Mr. Hamill, one trip to San Francisco, one trip to Stockton.....	49 50
Mr. Patterson, one trip to San Francisco, one trip to Stockton..	49 50

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

MILLER, Chairman.

Adopted.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 178—An Act to provide for the purchasing of sites and the erection of school buildings for the common schools of the City and County of San Francisco—have had the same under consideration, and have agreed upon a substitute thereto, and now report the same back to the House, and recommend the passage of the substitute.

SWIFT, for Delegation.

#### RESOLUTION.

By Mr. Howe:

*Resolved*, That when this House adjourns to-day it be until half-past two o'clock P. M. Monday, February sixteenth, eighteen hundred and seventy-four.

Adopted.

#### NOTICE.

By Mr. Amerman, of a bill providing for the building of a bridge across the mouth of San Leandro Bay, in the Town and County of Alameda.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Swift—An Act in relation to the Industrial School department of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Rogers—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Byrnes—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

Read first and second times, and referred to the San Mateo delegation.

By Mr. Vandall—An Act to prevent and correct truancy and vagrancy among boys of school age, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Giffen—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County, in certain cases.

Read first and second times, and referred to the Nevada delegation.

Also, an Act to provide for the construction of a railroad from a point on the Central Pacific Railroad to a point near Jamison City, in Plumas County.

Read first and second times, and referred to the Committee on Corporations

By Mr. Freeman—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

Read first and second times, and ordered on File.

#### RESOLUTION.

Mr. Kercheval had leave to introduce the following resolution:

*Resolved*, That the State Controller be requested to correspond with the several County Treasurers and Auditors of those counties in which are located swamp land districts having outstanding Controller's warrants, and learn from them the amount of such warrants of each district in their custody, and the amount of cash in the County Treasury to the credit of each district, and report the same to this House at an early day.

Adopted.

#### PETITION.

Mr. Hammitt had leave to present a petition from citizens of Contra Costa County, protesting against legislation restricting telegraph privileges.

Referred to the Committee on Corporations.

#### REPORT.

Mr. Venable had leave to make the following report:

MR. SPEAKER: Your Committee on Irrigation, to whom was referred Assembly Bill No. 172—An Act providing for a general system of canals for irrigation, agriculture, and other purposes—have had the same under consideration, and report a substitute therefor, and recommend its passage.

VENABLE, Chairman.

Substitute for Assembly Bill No. 172, above reported, was ordered printed.

#### INTRODUCTION OF BILL.

Mr. Vandall had leave to introduce a bill for an Act amendatory of and supplementary to an Act entitled an Act to facilitate and increase the collection of State and county, and municipal licenses, in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to San Francisco delegation.

#### GENERAL FILE.

Assembly Bill No. 364—An Act fixing the salary of County Clerk in the County of Shasta.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Senate Concurrent Resolution No. 34—relative to the establishment of a penal colony in Alaska.

Indefinitely postponed.

Senate Bill No. 83—An Act to legalize certain bonds of the City of San Diego, and to provide for the payment of interest thereon, and for the redemption thereof.

Read a third time, and passed.

Senate Bill No. 172—An Act to add a new section to the Penal Code.

Read a third time, and passed.

Senate Bill No. 196—An Act to pay the claim of Newton Benedict.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Ferguson in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Cowdery, the committee arose and reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 196, above reported from Committee of the Whole, read a third time, and passed.

#### GENERAL FILE RESUMED.

Senate Bill No. 224—An Act to amend section six hundred and thirty-two of the Penal Code.

Amended, read a third time, and passed.

Senate Bill No. 228—An Act to add five additional Notaries Public in Stanislaus County.

Read a third time, and passed.

Assembly Bill No. 219—An Act to prevent discrimination in places of public amusement.

The enacting clause stricken out.

Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Re-referred to Committee on Public Morals.

Assembly Bill No. 243—An Act to prevent drunkenness in public places in the State of California.

Referred to the Judiciary Committee.

At twelve o'clock M., on motion of Mr. Clark, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, February 16th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

### LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Byrnes and Mr. Gilmore of El Dorado.

### PETITIONS.

By Mr. Amerman—from two hundred taxpayers, Board of Supervisors, and Town Trustees, of the Town and County of Alameda, praying for the passage of an Act for the erection of a bridge across the mouth of San Leandro Bay, in the Town and County of Alameda.

Referred to the Alameda delegation.

By Mr. Hammitt—from citizens of Contra Costa County, protesting against the passage of the bill introduced by Mr. Snyder, in relation to regulating the rates of telegraph companies.

Referred to the Committee on Corporations.

### REPORTS.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 61—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code—report it back, and recommend that it be referred to the Committee on Ways and Means.

Also, Senate Bill No. 6—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—report it back, and recommend its passage.

Also, Senate Bill No. 67—An Act to amend sections seventeen, one thousand two hundred and five, and one thousand four hundred and forty-six of the Penal Code—report it back, and recommend its passage.

Also, Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public—report it back, and recommend that it do not pass.

WILLIAMS, Chairman.

Senate Bill No. 61, above reported, was referred to the Committee on Ways and Means.

By Mr. Snyder:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 235—An Act to grant the right to construct a turnpike road from Truckee City, in the County of Nevada, to the Town of Loyalton, in the County of Sierra—beg leave to report the same back, and recommend that the author be allowed to withdraw it.

SNYDER, Chairman.

Assembly Bill No. 235, above reported, was withdrawn by the author.  
By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 222—An Act supplemental to an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy;

Also, Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-seventh, eighteen hundred and sixty-six;

Also, Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley Mines, in said county;

Also, Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland, for the relief of Perry Johnson, City Marshal of said city;

Also, Assembly Bill No. 187—An Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization;

Also, Substitute for Assembly Bill No. 72—An Act to provide for the election of Supervisors in the County of San Bernardino;

Also, Assembly Bill No. 90—An Act to incorporate the Town of San Rafael;

Also, Assembly Concurrent Resolution No. 21—asking Congressional relief for A. B. Gilbert;

Also, Assembly Bill No. 333—An Act to amend an Act to establish a Code of Civil Procedure;

And that the same were, this sixteenth day of February, eighteen hundred and seventy-four, at two o'clock and fifteen minutes P. M., transmitted to the Governor for his approval.

HAY, Chairman.



By Mr. Franck:

MR. SPEAKER: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 25—on Chinese immigration under the Burlingame Treaty—have had the same under consideration, and beg leave to report it back, and recommend its passage.

FRANCK, Chairman.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 182—An Act to reincorporate the City of Monterey—have had the same under consideration, and do hereby respectfully report it back, with the recommendation that it pass.

Also, Assembly Bill No. 302—An Act to protect shippers of produce—was had under consideration, and it is hereby reported back, with the recommendation that it be referred to the Committee on Judiciary.

Also, Assembly Bill No. 336—An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes—was considered, and a substitute therefor adopted, and the same is hereby reported back, with the recommendation that the substitute pass.

SWIFT, Chairman.

Assembly Bill No. 302, above reported, was referred to the Judiciary Committee.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

Also, Substitute for Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of the several bays and creeks of this State.

Also, Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city.

Also, Assembly Bill No. 353—An Act to regulate the fees of County Recorder of Santa Clara County.

Also, Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California.

Also, Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Also, Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco.

Also, Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county.

BRADLEY, Chairman.

By Mr. Amerman:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom—respectfully report the same back, and recommend its passage.

AMERMAN, for Delegation.

By Mr. Coggins:

Mr. SPEAKER: The Sacramento delegation have had under consideration Assembly Bill No. —, and report the same back with a substitute, recommending the passage of the substitute.

COGGINS, for Delegation.

By Mr. Dixon:

Mr. SPEAKER: The Sonoma and Napa delegations, to whom was referred Senate Bill No. 174, beg leave to report the same back, and recommend its passage.

DIXON, for Delegation.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation have had under consideration Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco—and report the same back, and recommend the passage of the bill.

Also, Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims—which they have considered, and agreed upon certain amendments, and report the same back, and recommend the passage of the bill as amended.

Also, Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims—and report the same back, and recommend that it be referred to the Committee on Commerce and Navigation.

SWIFT, Chairman.

Assembly Bill No. 349, above reported, was referred to the Committee on Commerce and Navigation.

By Mr. Miller:

Mr. SPEAKER: The delegations from Alpine and Amador Counties, to whom was referred Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County—beg leave to report the same back, and recommend its passage.

MILLER,  
STOWERS,  
Delegation.

#### RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Peek:

WHEREAS, A bill is now before the House, providing for an apportionment of the population of the several counties of the State; and whereas, a measure of such vital importance to the people at large should not be passed without mature and serious consideration; therefore, be it

*Resolved*, That the Judiciary Committee be and they are hereby requested to prepare and report to this House, without unnecessary delay, suitable amendments to the Constitution, providing for an apportionment of the voting population of the several counties, as a basis of representation in both branches of the Legislature; and that representation be fixed on a plan of checks and balances of power similar to that adopted in the Federal Constitution; and that each county in the State be entitled to at least one representative in each branch of the Legislature.

Read first and second times, and placed on top of the File for tomorrow.

By Mr. Amerman:

*Resolved*, That the salary of the Chaplain of this House be and the same is hereby established from this date until the close of the present session, at five dollars per day.

Referred to the Committee on Rules and Employés.

By Mr. Long—Concurrent Resolution relative to the powers of the Commissioners to manage the Yosemite Valley.

Read first and second times, and referred to the Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cowdery—An Act supplemental to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Cowdery—An Act to amend the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Coggins—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

Read first and second times, and ordered on File.

By Mr. Ferguson—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Read first and second times, and referred to the Fresno, Tulare, and Kern delegations.

By Mr. Fahcy—An Act to restrict gambling.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Peek—An Act to amend section six hundred and sixty-seven of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Miller—An Act to authorize certain persons to improve a portion of the Mokelumne River, and erect a boom therein.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Russell—An Act to amend section fifty-three of an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-third, eighteen hundred and sixty three.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Dixon—An Act to prohibit the feeding of milch cows on still slops and the sale of milk from cows fed on still slops, and from sick or diseased cows.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Amerman—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Read first and second times, and ordered on File.

Also, an Act to amend section three thousand six hundred and forty-four of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams—Proposed amendments to the Constitution of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Carter—An Act for the incorporation of the Town of Wheatland.

Read first and second times, and referred to the Yuba delegation.

By Mr. Freeman—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tully—An Act for the relief of James P. Sargent.

Read first and second times, and referred to the Committee on Ways and Means.

#### GENERAL FILE.

Assembly Bill No. 263—An Act to amend section three hundred of the Penal Code.

On a motion to strike out the enacting clause, the ayes and noes were demanded by Messrs. Bowers, Cressler, and Paulsell, with the following result:

AYES—Messrs. Aldrich, Bowers, Bradley, Bryan, Coggins, Cowdery, Dixon, Escandon, Fahey, Franck, Freidenrich, Giffen, Gilmore of Calaveras, Hamill, Hay, Hill, Howe, Ingham, Kercheval, Northup, Peek, Rogers, Snyder, Swift, Tinnin, Tully, Vandall, Wickware, and Mr. Speaker—29.

NOES—Messrs. Amerman, Burt, Byers, Canfield, Carter, Clark, Cressler, Davis, Freeman, Ferguson, Gray, Hammitt, Hurlburt, Knox, Long, Miller, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Roush, Russell, Stowers, Summers, Williams, Winchell, and Wright—31.

Mr. Coggins offered the following amendment to section one: "*Provided*, that the provisions of this Act shall not apply to those who suspended business on the seventh day of the week."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Rea, Ferguson, and Bowers, and the amendment was lost, by the following vote:

**AYES**—Messrs. Aldrich, Bowers, Bryan, Carter, Coggins, Cowdery, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Hamill, Hill, Howe, Ingham, Kercheval, Peek, Roush, Stowers, Swift, Vandall, Wickware, and Mr. Speaker—24.

**NOES**—Messrs. Amerman, Bradley, Burt, Byers, Canfield, Clark, Cressler, Davis, Freeman, Giffen, Gilmore of Calaveras, Gray, Hammitt, Hay, Hurlburt, Knox, Long, Miller, Morgan, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Russell, Snyder, Summers, Tinnin, Tully, Williams, Winchell, and Wright—37.

On a motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Franck, Tully, and Rea, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Bradley, Bryan, Coggins, Cowdery, Dixon, Escandon, Fahey, Franck, Freidenrich, Giffen, Hamill, Hay, Hill, Howe, Hurlburt, Ingham, Kercheval, Northup, Peek, Pishon, Rogers, Snyder, Stowers, Swift, Tinnin, Tully, Vandall, Wickware, and Mr. Speaker—32.

**NOES**—Messrs. Burt, Byers, Canfield, Carter, Clark, Cressler, Davis, Freeman, Ferguson, Gilmore of Calaveras, Gray, Hammitt, Knox, Long, Miller, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Roush, Russell, Summers, Winchell, and Wright—29.

Mr. Hurlburt gave notice that he would, on to-morrow, move to reconsider the vote by which the House to-day indefinitely postponed Assembly Bill No. 263.

Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Ferguson, Hurlburt, and Paulsell, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bryan, Burt, Byers, Canfield, Carter, Clark, Coggins, Cowdery, Cressler, Davis, Freeman, Giffen, Gilmore of Calaveras, Hammitt, Hay, Hill, Kercheval, Knox, Morgan, Norton, Parker, Peek, Pelham, Pishon, Roush, Russell, Snyder, Summers, Tinnin, Tully, Williams, Winchell, Wright, and Mr. Speaker—36.

**NOES**—Messrs. Aldrich, Bradley, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Gray, Hamill, Howe, Hurlburt, Ingham, Miller, Paulsell, Rea, Rogers, Stowers, Venable, and Wickware—19.

Mr. Parker gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, passed to engrossment Assembly Bill No. 298.

At four o'clock and forty minutes P. M., on motion of Mr. Miller, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, February 17th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence for one day was granted to Mr. Gilmore of Calaveras.

## PETITIONS.

By Mr. Franck—from residents of Santa Clara County, protesting against the passage of a pending Act for limiting telegraph privileges.

Referred to the Committee on Corporations.

By Mr. Ables—from residents of Marin County, on the same subject as above.

Referred to the Committee on Corporations.

By Mr. Tully—from residents of Monterey County, on the same subject as above.

Referred to the Committee on Corporations.

By Mr. Cowdery—from the Trustees of the Park Hill Homestead Association, asking that their existence be extended for two years.

Referred to the Committee on Corporations.

## REPORTS.

Reports were submitted as follows:

By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 25, beg leave to report the same back, with the recommendation that the author of the resolution have leave to withdraw the same.

FRANCK, Chairman.

Assembly Concurrent Resolution No. 25, above reported, was withdrawn by the author.

By Mr. Coggins:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 362—An Act concerning railroad tickets in this State—have had the same under consideration, and amended it, and do hereby report it back, with the recommendation that it pass as amended.

Also, Assembly Bill No. 361—An Act relating to interest—was had under consideration, and is hereby respectfully reported back without recommendation.

COGGINS, for Committee.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Also, Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.

Also, Assembly Bill No. 290—An Act to prevent stallions from running at large in the County of Mono.

Also, Assembly Bill No. 303—An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county.

Also, Assembly Bill No. 305—An Act providing for an additional Justice of the Peace in Chico Township, Butte County.

Also, Assembly Bill No. 312—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Also, Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

BRADLEY, Chairman.

By Mr. Stowers:

Mr. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 346—An Act to add certain sections, amend certain sections, and repeal certain sections of the Political Code—have had the same under consideration, and beg leave to report it back, and recommend its passage.

STOWERS, for Committee.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Substitute

for Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude—report it back, and recommend its passage.

Also, Assembly Bill No. 311—An Act to amend an Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 243—An Act to prevent drunkenness in public places in the State of California—report it back, without recommendation.

Also, Assembly Bill No. 335—An Act to amend the Civil Code relating to liability of landlords—report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having considered a resolution of the Assembly—instructing the committee to inquire and report on the practicability of reducing the appropriations for incidental expenses of the several public offices, report:

That it is utterly impossible, at present, to make the reductions suggested, because in all public departments, not only State but National, our people have sanctioned, or at least tolerated, a departure from the republican simplicity upon which our Government was originally founded. The result has been, that gradually our officials and legislative bodies have become accustomed to an extravagant style and a lavish expenditure, customary in aristocratical Governments, but in our early history entirely avoided and condemned.

If recent elections, in several States, including our own, be taken as evidence that the baneful public sentiment alluded to is being succeeded by a wholesome determination to check official extravagance, we may hope that the evil is curable. It is well for a community, when its wealthy members scatter, with profuse hands, contributions to art, science, and labor, and give employment and bread to the deserving; but this munificent liberality from private purses is no precedent for lavish expenditure of the public money by servants who hold it for the people.

Thomas Jefferson, when inaugurated as President of the United States, rode on horseback to the front of the Capitol, hitched his horse (without the aid of lackey or stirrup-holder), mounted to the place of inauguration, and, standing there in the plain costume of a refined gentleman, took the oath of office, and entered upon the duties of his high position in a manner which cannot but challenge the admiration of all who deplore the gaudy parade and pompous extravagance of a Presidential inauguration of to-day.

Your committee suggest, that as our people and their servants grew into extravagance gradually, so it will be a slow process by which the Government may again be brought to the true economy and light taxation which should characterize a republican government.

FREEMAN, Chairman.

By Mr. Ferguson:

MR. SPEAKER: The Fresno, Tulare, and Kern delegations, to whom was referred Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern—report the same back, and recommend its passage.

FERGUSON,  
CANFIELD.



By Mr. Winchell:

Mr. SPEAKER: The Plumas and Sierra delegations, to whom was referred Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra—have had the same under consideration, and beg leave to report it back, and recommend its passage.

G. WINCHELL,  
For Delegations.

By Mr. Bryan:

Mr. SPEAKER: The Committee on Agriculture have had under consideration Senate Bill No. 191—An Act to repeal section one of an Act supplementary to and amendatory of an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, and approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two—and report the same back, with an amendment, recommending its passage as amended.

WILLIAM E. BRYAN.

By Mr. Russell:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Senate Bill No. 184, beg leave to report the same, and submit a substitute therefor.

RUSSELL, for Delegation.

#### BILLS IN HANDS OF COMMITTEES MORE THAN FIFTEEN DAYS.

The Speaker announced the following bills as having been in the hands of the respective committees and delegations more than fifteen days:

Judiciary Committee—Assembly Bills Nos. 3, 11, 15, 22, 29, 36, 37, 39, 53, 54, 63, 80, 102, 112, 121, 126, 127, 129, 137, 142, 152, 162, 175, 181, 189, 193, 206, and 215; and Senate Bill No. 27. The committee was allowed ten days additional time.

Committee on Corporations—Assembly Bills Nos. 12 and 182. Five days further time granted.

Committee on Apportionment—Assembly Bill No. 135. Five days further time granted.

San Francisco delegation—Assembly Bills Nos. 17, 207, and 218. Ten days further time granted.

Committee on Ways and Means—Assembly Bills Nos. 43, 56, 79, and 84; and Senate Concurrent Resolution No. 31. Ten days further time granted.

Committee on Education—Assembly Bills Nos. 52, 60, and 93. Ten days further time granted.

El Dorado delegation—Assembly Bill No. 66, and Senate Bill No. 100. Ten days further time granted.

Committee on Public Buildings and Grounds—Assembly Bill No. 73. Five days further time granted.

Committee on Agriculture—Assembly Bills Nos. 98 and 99. Five days further time granted.

Committee on Yosemite and Big Tree Parks—Assembly Bill No. 141. Five days further time granted.

Committee on Commerce and Navigation—Assembly Bill No. 176. Five days further time granted.

Committee on Counties and County Boundaries—Assembly Bill No. 197. Five days further time granted.

Alameda delegation—Assembly Bill No. 148. Ten days further time granted.

Los Angeles delegation—Assembly Bill No. 149, and Senate Bill No. 72. Five days further time granted.

Marin delegation—Assembly Bill No. 190. Five days further time granted.

Committee on State Prison—Assembly Bills Nos. 204 and 216. Five days further time granted.

Mendocino, Lake, Sonoma, Marin, Napa, and Solano delegations—Assembly Bill No. 209. Fifteen days further time granted.

Tuolumne delegation—Senate Bill No. 124. Ten days further time granted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 17th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth day of February, eighteen hundred and seventy-four, passed Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code.

Also, on February thirteenth, adopted Senate Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eighth, eighteen hundred and seventy, in reference to the reserves for a land grant to the Southern Pacific Railroad Company of California, and to restore certain lands to the public domain.

Also, passed Senate Bill No. 248—An Act granting leave of absence to Abraham Powell, Supervisor for the First Supervisor District of the County of Solano.

Also, passed Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy.

Also, passed Senate Bill No. 229—An Act authorizing and empowering the Auditor of El Dorado County to allow certain claims against said county.

Also, passed Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March second, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne.

Also, passed Senate Bill No. 212—An Act for the relief of Jasper W. Marshall.

Also, passed Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State.

Also, passed Senate Bill No. 204—An Act for the protection of pre-emption and homestead claimants.

Also, passed Senate Bill No. 92—An Act to provide for the payment of outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

Also, passed Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles.

Also, passed Senate Bill No. 136—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

Also, passed Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Also, passed Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County.

Also, on February sixteenth, passed Assembly Bill No. 177—An Act to reincorporate the City of Napa.

Also, passed Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Also, refused to concur in Assembly amendments to Senate Bill No. 224—An Act to amend section two hundred and thirty-two of the Penal Code.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 277, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Concurrent Resolution No. 43, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 248, above reported, read first and second times, and referred to the Committee on Public Morals.

Senate Bill No. 222, above reported, read first and second times, and referred to the Humboldt delegation.

Senate Bill No. 229, above reported, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 246, above reported, read first and second times, and referred to the San Diego delegation.

Senate Bill No. 241, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate Bill No. 212, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 211, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 204, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 92, above reported, read first and second times, and referred to the San Luis Obispo delegation.

Senate Bill No. 231, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No. 136, above reported, read first and second times, and referred to the San Bernardino delegation.

Senate Bill No. 266, above reported, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 243, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 192, above reported, read first and second times, and referred to the Committee on Roads and Highways.

Senate Bill No. 224, above reported, with notice of non-concurrence by the Senate in the Assembly amendment thereto, the House refused to recede from its amendment, and the Speaker appointed on the part of the House, as a Committee of Conference thereon, Messrs. Amerman, Cowdery, and Tinnin.

#### NOTICE.

By Mr. Hill, of a bill for an Act to amend sections three hundred and thirty-four and three hundred and thirty-five of the Political Code.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Howe—An Act to repeal Article XI, of Chapter I, Title VI, of the Political Code.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Ferguson—An Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos.

Read first and second times, and referred to the Committee on the Culture of the Grapevine.

By Mr. Byers—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen.

Read first and second times, and referred to the Plumas and Lassen delegation.

By Mr. Ables—An Act in relation to public schools in Marin County.

Read first and second times, and referred to the Marin delegation.

By Mr. Tully—An Act to incorporate the Town of Hollister.

Read first and second times, and referred to the Monterey delegation.

By Mr. Williams—An Act to prevent the removal of railroad tracks.

Read first and second times, and referred to the Committee on Corporations.

#### RECONSIDERATION.

Pursuant to notice, Mr. Freeman moved to reconsider the vote by which the House, on yesterday, passed to engrossment Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Coggins, Stowers, and Norton, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Bowers, Bradley, Carter, Dixon, Escandon, Frank, Freidenrich, Ferguson, Heald, Howe, Hurlburt, Long, Paulsell, Rea, Rogers, Stowers, Wickware, and Williams—19.

NOES—Messrs. Ables, Amerman, Bryan, Burt, Byrnes, Canfield, Clark, Coggins, Cowdery, Cressler, Davis, Fahey, Freeman, Giffen, Gilmore of

Calaveras, Hamill, Hammitt, Hay, Hill, Kercheval, Knox, McCallum, Miller, Morgan, Northcutt, Northup, Norton, Patterson, Peek, Pelham, Pishon, Roush, Russell, Snyder, Summers, Tully, Winchell, Wright, and Mr. Speaker—39.

#### GENERAL FILE.

Resolution asking Judiciary Committee to report suitable amendments to the State Constitution, to provide for the legislative representation in this State.

Ordered to the head of the File for Tuesday, February twenty-fourth. [Speaker pro tem., Mr. Howe, in the chair.]

Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

Recommitted to the Committee on Ways and Means, with instructions to report back immediately with amendments presented by Mr. Williams, and that the bill, including said amendments, be ordered printed out of its order, and placed at the head of the File for Thursday next, the nineteenth instant.

Substitute for Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of the several bays and creeks of this State.

Read a third time, and passed.

At twelve o'clock M., the Speaker announced that the hour for recess had arrived, and the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Swift.

#### INTRODUCTION OF BILL.

Mr. Aldrich had leave to introduce an Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Read first and second times, and referred to the Committee on Corporations.

#### REPORTS.

Reports were made as follows:

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having considered Assembly Bill No. 143, under special instructions, report the same back, with the annexed amendments, and recommend the passage of the bill as amended.

The above report was accompanied by the following resolution:

*Resolved*, That the Copying Clerk be authorized to correct a clerical error in Assembly Bill No. 143, in section fifteen, by striking out the word "sixteen" and inserting "thirteen" in section thirty-eight hundred and fourteen, so as to make the same read, in two places, "three thousand eight hundred and thirteen."

Adopted.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County.

Also, Assembly Bill No. 322—An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the outstanding indebtedness of said county for road and bridge purposes.

Also, Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street.

Also, Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey.

Also, Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

Also, Assembly Bill No. 357—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville.

Also, Assembly Bill No. 364—An Act fixing the salary of County Clerk in the County of Shasta.

Also, Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Also, Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

BRADLEY, Chairman.

#### PETITION.

Mr. Venable had leave to present a petition from citizens of Los Angeles County, asking for a division of said county.

Referred to the Committee on Counties and County Boundaries.

#### GENERAL FILE RESUMED.

Assembly Bill No. 130—An Act to amend sections thirty-eight hundred and thirty-nine, thirty-eight hundred and forty, thirty-eight hundred and forty-one, thirty-eight hundred and forty-three, thirty-eight hundred and forty-five, thirty-eight hundred and forty-six, thirty-eight hundred and forty-seven, thirty-eight hundred and fifty-four, thirty-eight hundred and fifty-seven, thirty-eight hundred and fifty-eight, thirty-eight hundred and fifty-nine, and for the repeal of section thirty-eight hundred and sixty, of Chapter IX, of the Political Code.

## SPECIAL ORDERS.

Pending consideration of the above bill, the Speaker called attention to the fact that the hour for the special orders of the day had arrived.

On motion, Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress—was ordered to the head of the File for to-morrow.

The second special order for to-day, consideration of Senate amendments to Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano—was, by unanimous consent, temporarily passed.

The House resumed consideration of Assembly Bill No. 130—An Act to amend sections thirty-eight hundred and thirty-nine, thirty-eight hundred and forty, thirty-eight hundred and forty-one, thirty-eight hundred and forty-three, thirty-eight hundred and forty-five, thirty-eight hundred and forty-six, thirty-eight hundred and forty-seven, thirty-eight hundred and fifty-four, thirty-eight hundred and fifty-seven, thirty-eight hundred and fifty-eight, thirty-eight hundred and fifty-nine, and for the repeal of section thirty-eight hundred and sixty, of Chapter IX, of the Political Code.

Amended, and recommitted to the Judiciary Committee.

The House resumed consideration of Senate amendments to Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

The Senate amendments were concurred in.

## GENERAL FILE RESUMED.

Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

## RESOLUTION.

Pending consideration of the above bill, Mr. Hurlburt had leave to introduce the following resolution:

*Resolved by the Assembly, the Senate concurring,* That the Enrolling Clerk of the Assembly be and is hereby authorized and instructed to number the sections consecutively after section ten of Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Adopted.

## GENERAL FILE RESUMED.

The House resumed consideration of Substitute for Assembly Bills Nos. 1 and 26.

On motion of Mr. Cowdery to strike out section two of the bill, the ayes and noes were demanded by Messrs. Burt, Coggins, and Hay, and the House refused, by the following vote:

AYES—Messrs. Bowers, Byrnes, Canfield, Carter, Cowdery, Fahey, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Ingham, Long, Miller, Norton, Patterson, Rogers, Snyder, Stowers, Tinnin, Tully, and Wickware—24.

NOES—Messrs. Bradley, Bryan, Burt, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Freeman, Giffen, Hammitt, Heald, Hill, Howe, Kercheval, Knox, McCallum, Northcutt, Northup, Parker, Paulsell, Peek, Pelham, Pishon, Rea, Roush, Russell, Summers, Vandall, Williams, Winchell, Wright, and Mr. Speaker—34.

On a motion to strike out "five thousand" and insert "six thousand," as the salary of the Governor, the ayes and noes were demanded by Messrs. Canfield, Cressler, and Hay, and the House so ordered, by the following vote:

AYES—Messrs. Bowers, Bryan, Byers, Byrnes, Canfield, Carter, Clark, Coggins, Cowdery, Cressler, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gray, Hamill, Hammitt, Hay, Heald, Howe, Ingham, Kercheval, Long, McCallum, Miller, Northup, Norton, Parker, Patterson, Peek, Pishon, Rea, Rogers, Roush, Russell, Stowers, Tinnin, Tully, Wickware, Winchell, and Mr. Speaker—41.

NOES—Messrs. Bradley, Burt, Davis, Dixon, Escandon, Freeman, Ferguson, Gilmore of El Dorado, Hill, Knox, Northcutt, Paulsell, Pelham, Snyder, Summers, Vandall, Venable, Williams, and Wright—19.

Pending consideration of the above bill, at three o'clock and fifty-five minutes P. M., Mr. Snyder moved to adjourn, upon which the ayes and noes were demanded by Messrs. Bowers, Ferguson, and Freidenrich, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Bowers, Cowdery, Escandon, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Northup, Patterson, Snyder, Tinnin, and Mr. Speaker—16.

NOES—Messrs. Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Clark, Coggins, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Hammitt, Heald, Hill, Howe, Ingham, Kercheval, Knox, Northcutt, Norton, Parker, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Stowers, Summers, Tully, Vandall, Venable, Wickware, Williams, Winchell, and Wright—42.

The bill was ordered to the head of the File for to-morrow.

At four o'clock P. M., on motion of Mr. Bowers, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.



## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
 Wednesday, February 18th, 1874. }

House met pursuant to adjournment.  
 Speaker in the chair.  
 Roll called, and a quorum present.  
 Prayer by the Chaplain.  
 Journal of yesterday read and approved.

## PETITIONS.

By Mr. Miller—from citizens of Amador County, protesting against the passage of a pending bill regulating rates of telegraphing.

Referred to the Committee on Corporations.

By Mr. Heald—from citizens of Solano County, protesting against the passage of a pending bill for regulating rates of telegraphing.

Referred to the Committee on Corporations.

By Mr. Meyers—from citizens of San Joaquin, protesting against the passage of a pending bill for regulating rates of telegraphing.

Referred to the Committee on Corporations.

By Mr. Amerman—from citizens of Alameda, protesting against the passage of a pending bill for regulating rates of telegraphing.

Referred to the Committee on Corporations.

By Mr. Patterson—from citizens of San Francisco, protesting against the passage of a pending bill providing for opening Ninth Avenue.

Referred to the San Francisco delegation.

## REPORTS.

Reports were made as follows:

By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 39—asking Congress to establish a mail route in Sonoma County, and a Post Office at Donahue, in said county—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

FRANCK, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure—report it back, and recommend its passage.

Also, Assembly Bill No. 334—An Act to amend the Civil Code relating to liens—report it back, and recommend its passage.

Also, Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties—report it back, and recommend its passage.

Also, Assembly Bill No. 240—An Act to amend section fourteen hun-

dred and sixty-nine of the Code of Civil Procedure—report it back, with the recommendation that it do not pass.

Also, Assembly Bill No. 306—An Act to amend section thirty-six hundred and seven of the Political Code—report it back, and recommend that it be indefinitely postponed.

WILLIAMS, Chairman.

By Mr. Patterson:

Mr. SPEAKER: Your committee to whom was referred Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail—have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

PATTERSON, Chairman.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 261, beg leave to report that they have considered the same, and report it back with a substitute, and unanimously recommend the passage of the substitute.

Also, Assembly Bill No. 307, and report it back, with the recommendation that it do not pass.

Also, Assembly Bill No. 308, and report it back, with the recommendation that it do not pass.

KERCHEVAL, Chairman.

By Mr. Escandon:

Mr. SPEAKER: The San Luis Obispo delegation, to whom was referred Senate Bill No. 92—An Act to provide for the payment of outstanding indebtedness of Olmstead School District, in San Luis Obispo County—beg leave to report the same back, and recommend its passage.

ESCANDON, for Delegation.

By Mr. Venable:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 363, have had the same under consideration, and recommend that the author be permitted to withdraw it, as a bill of a like nature has passed the Senate.

J. W. VENABLE, for Delegation.

Assembly Bill No. 363, above reported, was withdrawn by its author.  
By Mr. Pishon:

Mr. SPEAKER: The San Bernardino delegation, to whom was referred Senate Bill No. 136—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino—respectfully report the same back, and recommend its passage.

PISHON, for Delegation.

Senate Bill No. 136, above reported, was ordered to head of File for to morrow.

By Mr. Long:

MR. SPEAKER: The Tuolumne delegation, to whom was referred Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne—respectfully report the same back, and recommend its passage.

LONG, for Delegation.

By Mr. Winchell:

MR. SPEAKER: The Sierra delegation, to whom was referred Senate Bill No. 255—An Act to repeal an Act to provide for the maintenance of roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report it back with amendments, and recommend its passage as amended.

WINCHELL, for Delegation.

By Mr. Bowers:

MR. SPEAKER: The San Diego delegation, to whom was referred Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March twentieth, eighteen hundred and seventy-two—report the bill back, and recommend its passage.

BOWERS.

By Mr. Ables:

MR. SPEAKER: The Marin delegation, to whom was referred Assembly Bill No. 393—in relation to public schools in Marin County—have had the same under consideration, and beg leave to report it back, and recommend its passage.

ABLES.

By Mr. Patterson:

MR. SPEAKER: Assembly Bill No. 114—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo, and Benicia—having been referred to me, I hereby report the same back with a substitute therefor, and recommend the passage of the substitute.

JAMES PATTERSON.

#### LEAVE OF ABSENCE.

Leave of absence for one day was granted to Mr. Dixon.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 17th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 197—An Act relating to the officers and government of San Mateo County.

Also, on the thirteenth of February, passed Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 197, above reported, read first and second times, and referred to the San Mateo delegation.

Senate Bill No. 187, above reported, read first and second times, and referred to the Judiciary Committee.

#### NOTICES.

By Mr. Bowers, of a bill regulating stage companies, fixing rates of passage, preventing discrimination, and forbidding change of routes, or stopping places.

Also, by the same, of a bill providing for the sale of the land acquired by the State, in pursuance of an Act entitled an Act to provide additional grounds for the State Capitol building, in the City of Sacramento, passed and approved April first, eighteen hundred and seventy two.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hammit—An Act to enable the electors of the State to nominate their United States Senators.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Venable—An Act to create the County of Orange, to define the boundaries, and provide for its organization and government.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

By Mr. Venable—An Act to authorize J. E. Ryan, W. J. Ryan, and others to build a wharf at San Pedro Point, Los Angeles County.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Roush—An Act to prevent unjust discrimination, by railroad and other transportation companies, in the rates charged for the transportation of passengers and freights, and for other purposes.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Murphy—An Act in reference to foreign insurance companies doing business in this State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Kercheval—An Act to quiet the title to certain lands.

Read first and second times, and referred to the Committee on Public Lands.

#### GENERAL FILE.

Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

On a motion by Mr. Ferguson to amend section six of the bill by striking out "three thousand," and inserting "two thousand," the ayes

and noes were demanded by Messrs. Ferguson, Murphy, and Rea, and the House refused, by the following vote:

AYES—Messrs. Murphy and Pelham—2.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Meyers, Morgan, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—63.

Pending consideration of the above bill, the Speaker announced that the hour of recess had arrived, and at twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### GENERAL FILE RESUMED.

The House resumed consideration of Substitute for Assembly Bills Nos. 1 and 26.

On motion of Mr. Cowdery, to make the bill the special order for April tenth, eighteen hundred and seventy-four, the ayes and noes were demanded by Messrs. Coggins, Meyers, and Ables, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Bowers, Cowdery, Escandon, Freidenrich, Ferguson, Gray, Hamill, Howe, Northup, Parker, Patterson, Rogers, Snyder, and Summers—15.

NOES—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Canfield, Clark, Coggins, Cressler, Davis, Fahey, Franck, Freeman, Gilmore of Calaveras, Hammitt, Heald, Higbie, Hill, Hurlburt, Ingham, Klotz, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Paulsell, Peck, Pelham, Pishon, Rea, Roush, Russell, Simpers, Tinnin, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—45.

#### LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Patterson, and for one day to Messrs. McCallum and Swift.

#### GENERAL FILE RESUMED.

The House resumed consideration of Substitute for Assembly Bills Nos. 1 and 26, and, on motion of Mr. Cowdery to strike out section sixteen of the bill, the ayes and noes were demanded by Messrs. Meyers, Freeman, and Hay, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Carter, Clark, Cowdery, Escandon, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Higbie, Howe, Ingham, Klotz, Miller, Morgan, Northup, Parker, Patterson, Peek, Rea, Rogers, Snyder, Wickware, and Mr. Speaker—30.

**NOES**—Messrs. Ables, Bradley, Bryan, Burt, Byers, Canfield, Coggins, Cressler, Davis, Fahey, Franck, Freeman, Hammitt, Heald, Hill, Hurlburt, Kercheval, Knox, Long, McBride, Meyers, Murphy, Northcutt, Paulsell, Pelham, Pishon, Roush, Russell, Simpers, Summers, Vandall, Venable, Williams, Winchell, and Wright—35.

On motion of Mr. Cowdery, to strike out section eighteen of the bill, the ayes and noes were demanded by Messrs. Coggins, Freeman, and Meyers, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Byrnes, Carter, Clark, Cowdery, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hammitt, Hay, Higbie, Howe, Ingham, Miller, Morgan, Murphy, Northup, Norton, Parker, Peek, Rogers, Roush, Snyder, Summers, Tinnin, Wickware, and Mr. Speaker—34.

**NOES**—Messrs. Ables, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Ferguson, Heald, Hill, Hurlburt, Kercheval, Klotz, Knox, Long, McBride, Meyers, Northcutt, Paulsell, Pelham, Pishon, Russell, Simpers, Vandall, Venable, Williams, Winchell, and Wright—33.

On motion of Mr. Cowdery, to strike out "twenty-four hundred," in line three of section thirty-five, and insert "twelve hundred," the ayes and noes were demanded by Messrs. Coggins, Freeman, and Hammitt, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Bradley, Byrnes, Cowdery, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Hamill, Hay, Howe, Klotz, Long, Miller, Murphy, Northcutt, Northup, Norton, Parker, Peek, Rogers, Snyder, Stowers, Summers, Tinnin, and Venable—29.

**NOES**—Messrs. Ables, Aldrich, Bryan, Burt, Byers, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Escandon, Franck, Freeman, Gilmore of El Dorado, Hammitt, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Knox, Meyers, Morgan, Paulsell, Pelham, Pishon, Roush, Russell, Simpers, Vandall, Wickware, Wilhams, Winchell, Wright, and Mr. Speaker—37.

On motion of Mr. Freidenrich, to strike out "twenty-four hundred dollars" and insert "fifteen hundred dollars," in section thirty-five, the ayes and noes were demanded by Messrs. Coggins, Vandall, and Meyers, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Bradley, Byrnes, Carter, Clark, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Hamill, Hay, Hill, Howe, Ingham, Klotz, Knox, Long, Miller, Murphy, Northcutt, Northup, Norton, Parker, Peek, Pelham, Pishon, Rogers, Russell, Snyder, Stowers, Summers, Tinnin, Wickware, Winchell, and Wright—39.

**NOES**—Messrs. Ables, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Gilmore of El Dorado, Hammitt,

Heald, Higbie, Hurlburt, Kercheval, McBride, Meyers, Morgan, Paulsell, Roush, Simpser, Vandall, Venable, Williams, and Mr. Speaker—27.

On motion of Mr. Murphy, further amended by Mr. Klotz, to amend section thirty-seven so as to read as follows:

"Members of the Legislature shall receive two dollars and sixty-two and one half cents per day for each regular session, and two dollars and eighty-seven and one half cents per day during each extra session, not to exceed thirty days, and three dollars for every twenty miles of travel to and from their places of residence to the place of holding the session; provided they do not use a free pass; provided further, that the provisions of section thirty-seven shall apply to the present Assembly from and after the passage of this bill."

The ayes and noes were demanded by Messrs. Meyers, Heald, and Bowers, and the House refused, by the following vote:

**AYES**—Messrs. Bowers, Cowdery, Davis, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Howe, Klotz, Long, Murphy, Northup, Pelham, Rogers, Snyder, Tinnin, and Tully—20

**NOES**—Messrs. Ables, Aldrich, Amerman, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Escandon, Franck, Freeman, Gray, Hamill, Hammitt, Higbie, Hill, Hurlburt, Ingham, Kercheval, Knox, Meyers, Miller, Morgan, Northeutt, Norton, Parker, Paulsell, Peek, Pishon, Rea, Roush, Russell, Simpser, Stowers, Summers, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—47.

On motion of Mr. Murphy, to strike out the enacting clause of the bill, the ayes and noes were demanded by Messrs. Meyers, Coggins, and Franck, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bowers, Clark, Cowdery, Escandon, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Hamill, Hay, Higbie, Howe, Klotz, Murphy, Northup, Rogers, Snyder, Tinnin, and Tully—20.

**NOES**—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Fahey, Franck, Freeman, Gray, Hammitt, Heald, Hill, Hurlburt, Ingham, Kercheval, Knox, Long, Meyers, Miller, Morgan, Northeutt, Norton, Parker, Paulsell, Peek, Pelham, Pishon, Rea, Roush, Russell, Simpser, Stowers, Summers, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—48.

On motion of Mr. Klotz, to amend a substitute for section two hundred and sixty-six, offered by Mr. Cressler, the ayes and noes were demanded by Messrs. Klotz, Ferguson, and Snyder, and the House refused, by the following vote:

**AYES**—Messrs. Bowers, Burt, Clark, Cowdery, Cressler, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Howe, Klotz, Miller, Murphy, Pelham, Rea, Rogers, Roush, Snyder, Tinnin, Tully, and Mr. Speaker—23.

**NOES**—Messrs. Ables, Aldrich, Bradley, Bryan, Byers, Canfield,

Chandler, Coggins, Davis, Escandon, Franck, Freeman, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Knox, McBride, Meyers, Morgan, Northcutt, Northup, Norton, Parker, Paulsell, Pishon, Russell, Simpers, Stowers, Vandall, Venable, Wickware, Williams, Winchell, and Wright—39.

On motion of Mr. Murphy, to amend section thirty seven so as to read as follows: "Members of the Legislature shall receive ten dollars per day during each regular session, and ten dollars per day during each extra session, not to exceed thirty days, and two dollars and fifty cents for every twenty miles of travel to and from their residences to the place of holding the session," the ayes and noes were demanded by Messrs. Meyers, Norton, and Ables, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Bowers, Byrnes, Clark, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Higbie, Howe, Ingham, Klotz, McBride, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Pishon, Rogers, Snyder, Summers, Tinnin, Tully, Venable, Wickware, Winchell, and Mr. Speaker—38.

**NOES**—Messrs. Ables, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Hammitt, Heald, Hill, Hurlburt, Kercheval, Knox, Meyers, Paulsell, Pelham, Roush, Russell, Simpers, Stowers, Vandall, Williams, and Wright—28.

At three o'clock and thirty minutes P. M., Mr. Ferguson moved to adjourn.

Lost.

On motion of Mr. Miller, to lay the bill on the table, the ayes and noes were demanded by Messrs. Meyers, Ables, and Freeman, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bowers, Clark, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Klotz, Miller, Murphy, Northup, Norton, Peck, Rogers, Snyder, Stowers, Summers, Tinnin, and Tully—25.

**NOES**—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Knox, Long, McBride, Meyers, Morgan, Northcutt, Parker, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—13.

At three o'clock and forty minutes P. M., Mr. Ferguson moved to adjourn.

Lost.

On motion of Mr. Howe, to refer the bill to the Judiciary Committee, the ayes and noes were demanded by Messrs. Meyers, Coggins, and Russell, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Byrnes, Clark, Cowdery, Escandon, Fahey, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Hamill, Howe, Long, McBride, Miller, Morgan, Murphy, Northup, Norton, Peck, Rogers, Snyder, Stowers, Tinnin, Tully, and Wickware—27.



**NOES**—Messrs. Ables, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Ferguson, Gilmore of Calaveras, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Meyers, Northcutt, Parker, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Summers, Vandall, Venable, Williams, Winchell, Wright, and Mr. Speaker—41.

On motion of Mr. Howe, to make the bill the special order for the twenty-ninth of February, eighteen hundred and seventy-four, the ayes and noes were demanded by Messrs. Coggins, Ables, and Freeman, and the House refused, by the following vote:

**AYES**—Messrs. Bowers, Clark, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Howe, Klotz, McBride, Murphy, Peek, Rogers, Snyder, Tinnin, and Tully—20.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Gray, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Knox, Long, Meyers, Miller, Morgan, Northcutt, Northup, Norton, Parker, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Stowers, Summers, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—49.

At three o'clock and fifty-five minutes P. M., Mr. Miller moved to adjourn, on which motion the ayes and noes were demanded by Messrs. Coggins, Meyers, and Ables, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bowers, Byrnes, Clark, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gray, Hamill, Howe, Ingham, Klotz, Miller, Morgan, Murphy, Northup, Parker, Peek, Pishon, Rogers, Snyder, Stowers, Summers, Tinnin, and Tully—29.

**NOES**—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Gilmore of Calaveras, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Kercheval, Knox, Long, McBride, Meyers, Northcutt, Norton, Paulsell, Pelham, Rea, Roush, Russell, Simpers, Vandall, Venable, Wickware, Williams, Winchell, Wright, and Mr. Speaker—41.

The previous question having been called for by the requisite number, the Speaker announced the question to be, "Shall the main question be now put?" on which the ayes and noes were demanded by Messrs. Meyers, Burt, and Bradley, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Franck, Freeman, Gilmore of Calaveras, Gray, Hammitt, Hay, Heald, Higbie, Hill, Hurlburt, Kercheval, Knox, Long, McBride, Meyers, Northcutt, Parker, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Vandall, Venable, Wickware, Williams, Winchell, and Wright—43.

**NOES**—Messrs. Aldrich, Bowers, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Hamill, Howe, Ingham,

Klotz, Miller, Morgan, Murphy, Northup, Norton, Peek, Rogers, Snyder, Stowers, Summers, Tinnin, and Tully—25.

On motion to order the bill engrossed, the ayes and noes were demanded by Messrs. Coggins, Meyers, and Ables, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Hammitt, Heald, Hill, Hurlburt, Kercheval, Knox, Long, Meyers, Miller, Morgan, Northcutt, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Vandall, Venable, Williams, Winchell, Wright, and Mr. Speaker—36.

NOES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Carter, Clark, Cowdery, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Higbie, Howe, Ingham, Klotz, McBride, Murphy, Northup, Norton, Peek, Rogers, Snyder, Stowers, Summers, Tinnin, Tully, and Wickware—33.

Mr. Miller gave notice that, on to-morrow, he would move a reconsideration of the vote by which the House to-day ordered Substitute for Assembly Bills Nos. 1 and 26 engrossed.

At four o'clock and six minutes P. M., Mr. Ferguson moved to adjourn. Lost.

Senate Joint Resolution No. 35—asking for the repeal of the Act of Congress fixing the time for the election of Representatives from the State of California to the Forty-fourth Congress.

[Speaker pro tem, Mr. Howe, in the chair.]

Senate Joint Resolution No. 35 was read a third time, and passed.

At four o'clock and fifteen minutes P. M., on motion of Mr. Tinnin, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, February 19th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Peek—from citizens of Calaveras County, protesting against the passage of a pending bill for regulating telegraphic charges.

Referred to the Committee on Corporations.

By Mr. Canfield—from citizens of Kern County, protesting as above.  
Referred to the Committee on Corporations.

By Mr. Ferguson—from citizens of Fresno County, protesting as above.

Referred to the Committee on Corporations.

By Mr. Klotz—from citizens of Shasta County, protesting as above.

Referred to the Committee on Corporations.

By Mr. Davis—from citizens of Stanislaus County, protesting as above.

Referred to the Committee on Corporations.

By Mr. Murphy—from citizens of Klamath County, protesting as above.

Referred to the Committee on Corporations.

By Mr. Chandler—from residents of Sutter County, asking for the reorganization of Levee District Number One.

Referred to the Committee on Swamp and Overflowed Lands.

By Mr. McBride—from residents of Del Norte County, praying that a portion of said county be attached to Siskiyou County.

Referred to Siskiyou and Del Norte delegations.

#### REPORTS.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 130—An Act to amend sections three thousand eight hundred and thirty-nine, three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and forty-six, three thousand eight hundred and forty-seven, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-seven, three thousand eight hundred and fifty-eight, and three thousand eight hundred and fifty-nine, and for the repeal of section three thousand eight hundred and sixty of Chapter Nine of the Political Code—report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 260—An Act granting right of way to Sierra Iron Company—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 300—An Act to amend section three thousand four hundred and forty-two of the Political Code—report it back, and recommend that it be referred to the Committee on Swamp and Overflowed Lands.

Also, Assembly Bill No. 299—An Act to amend section three thousand four hundred and forty-three of the Political Code—report it back, and recommend that it be referred to the Committee on Swamp and Overflowed Lands.

Also, Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections—report it back, and recommend its passage.

Also, Assembly Bill No. 282—An Act to amend section two hundred and fifty-two of the Penal Code—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 284—An Act to provide for the enforcement of private contracts for street work—report it back, and recommend that it be indefinitely postponed.

WILLIAMS, Chairman.

Assembly Bill No. 306, above reported, was referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 299, above reported, was referred to the Committee on Swamp and Overflowed Lands.

By Mr Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State—beg leave to report that they have had the same under consideration, and report the same back, with the recommendation that it do pass.

KERCHEVAL, Chairman.

By Mr. Aldrich:

MR. SPEAKER: The Committee on Commerce and Navigation have had under consideration Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims—and they report the same back with an amendment, and recommend its passage as amended.

ALDRICH, Chairman.

By Mr. Hurlburt:

MR. SPEAKER: The Humboldt delegation, to whom was referred Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt, and to provide for the reduction of taxation therein and expenses thereof, approved April first, eighteen hundred and seventy-two—have had the same under consideration, and beg leave to report the same back with an amendment, and recommend its passage as amended.

HURLBURT, for Delegation.

By Mr. Venable:

MR. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 149, have had the same under consideration, and beg leave to report it back with an amendment thereto, and recommend its passage as amended.

VENABLE, for Delegation.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco;

Also, Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County,

Also, Assembly Bill No. 233—An Act granting leave of absence to C Burden, Public Administrator and Coroner of the County of Tuolumne;

Also, Assembly Bill No. 106—An Act to authorize the husband or wife or next of kin of a deceased person to collect and receive from any savings bank any deposit in such bank, when the same does not exceed the sum of three hundred dollars;

Also, Substitute for Assembly Bill No. 23—An Act granting certain tide lands to the City of Oakland;

Also, Assembly Concurrent Resolution No. 41—relative to the Central Pacific, the Western Pacific, and the California and Oregon Railway Companies,

Also, Senate Substitute for Assembly Bill No. 210—An Act to amend an Act entitled an Act to regulate fees of office and salaries of officers in San Bernardino County, approved March twenty-third, eighteen hundred and seventy-two;

And that the same were, upon the eighteenth day of February, eighteen hundred and seventy-four, at twelve o'clock and fifteen minutes P. M., transmitted to the Governor for his approval.

HAY, Chairman.

By Mr. Aldrich:

MR. SPEAKER: The Committee on Yosemite and Big Tree Parks, have had under consideration Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits of and between the Yosemite and Mariposa Big Tree Parks—the committee have added amendments correcting clerical errors and supplying omissions, and would report the same back, with the recommendation that it do not pass.

ALDRICH, Chairman.

By Mr. Tully:

MR. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 394—An Act to incorporate the Town of Hollister—have had the same under consideration, and report the same back, with a recommendation that it do pass.

TULLY, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 18th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 227—An Act to authorize the construction of a wagon road from Cushenbury Springs, in the County of San Bernardino, to the Holcomb Valley mines, in said county.

Also, Assembly Bill No. 170—An Act to amend an Act entitled an Act concerning roads in the County of Humboldt, approved February fourteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 222—An Act supplemental to an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 72—An Act to provide for the election of Supervisors in the County of San Bernardino.

Also, Assembly Bill No. 151—An Act to appropriate money for the relief of John A. Sutter.

Also, Assembly Bill No. 168—An Act to fund certain indebtedness of Sonoma County.

Also, Assembly Bill No. 196—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of Perry Johnson, City Marshal of said city.

Also, Assembly Bill No. 333—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Also, Assembly Bill No. 160—An Act to amend an Act entitled an Act to provide for the payment of contingent expenses, and to abolish the Hospital Fund of Alpine County, approved February twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 187—An Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS.

By Mr. Swift:

*Resolved*, That the clerk at the desk be instructed to insert the enacting clause in Assembly Bill No. 323—entitled an Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the convenience of the inhabitants of said city and county residing south of Market street—and that upon said enacting clause being so inserted, the bill be transmitted to the Senate.

Adopted.

By Mr. Byers—Concurrent Resolution relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, and State of California.

Read first and second times, and referred to the Committee on Federal Relations.

On motion of Mr. Freidenrich, Assembly Bill No. 114—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo, and Benicia, approved March twenty-second, eighteen hundred and seventy—was taken from the File and referred to the Committee on Commerce and Navigation.

#### RECONSIDERATION.

Pursuant to notice, Mr. Miller moved to reconsider the vote by which the House, on yesterday, passed to engrossment Substitute for Assembly Bills Nos. 1 and 26.

On motion, the previous question was ordered, and on the motion to reconsider, the ayes and noes were demanded by Messrs. Coggins, Kercheval, and Ferguson, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Carter, Clark, Cowdery, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Higbie, Howe, Klotz, Long, McCallum, Miller, Murphy, Northup, Norton, Parker, Peek, Pishon, Rogers, Snyder, Stowers, Summers, Tinnin, Tully, Wickware, and Mr. Speaker—36.

NOES—Messrs. Ables, Bradley, Bryan, Burt, Byers, Canfield, Chandler,

Coggins, Cressler, Davis, Franck, Freeman, Hammitt, Hill, Hurlburt, Kercheval, Knox, Meyers, Morgan, Northcutt, Paulsell, Pelham, Rea, Roush, Russell, Swift, Vandall, Venable, Williams, Winchell, and Wright—31.

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced as the special order, consideration of Substitute for Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representatives thereof.

[Speaker pro tem. in the chair.]

On a motion of Mr. Tinnin to recommit, with the following instructions: That the bill (Substitute for Bill No. 96) be recommitted to the Committee on Apportionment, with instructions to apportion to the City and County of San Francisco sixteen Assemblymen and eight Senators, and dividing said city and county into not less than four Senatorial districts; *provided further*, the committee shall be instructed to apportion the remainder of the representatives of the State among the several counties outside of San Francisco, on the basis of the white population, as shown by the census of eighteen hundred and seventy.

The ayes and noes were demanded by Messrs. Estee, Swift, and Rogers, and the House refused, by the following vote:

AYES—Messrs. Ingham, Klotz, Long, Northup, Peek, Russell, Simpers, Tinnin, Williams, and Wright—10.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Knox, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Norton, Parker, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Stowers, Summers, Swift, Tully, Vandall, Venable, Wickware, Winchell, and Mr. Speaker—60.

Mr. Williams offered the following resolution: That the bill be re-committed, with instructions to apportion to San Francisco eight Senators and sixteen Assemblymen, and divide said city and county into not less than four Senatorial districts.

The Speaker ruled the resolution out of order, from which ruling Mr. Tinnin, seconded by Mr. Williams, appealed.

On the question, "Shall the decision of the Chair stand as the decision of the House?" the ayes and noes were demanded by Messrs. Hay,

Norton, and Swift, and the House refused to sustain the Chair, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Byrnes, Carter, Chandler, Cowdery, Davis, Franck, Freeman, Freidenrich, Ferguson, Hamill, Hammitt, Hay, Heald, McCallum, Northup, Norton, Paulsell, Rea, Rogers, Roush, Russell, Swift, Vandall, and Wickware—30.

**NOES**—Messrs. Burt, Byers, Canfield, Clark, Coggins, Cressler, Escandon, Fahey, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Parker, Peek, Pelham, Pishon, Simpers, Stowers, Summers, Tinnin, Tully, Venable, Williams, Winchell, and Wright—38.

On the adoption of the resolution offered by Mr. Williams, the ayes and noes were demanded by Messrs. Estee, Freidenrich, and Norton, and the House refused, by the following vote:

**AYES**—Messrs. Clark, Hill, Ingham, Klotz, Knox, Long, McBride, Miller, Northcutt, Northup, Parker, Peek, Pelham, Simpers, Stowers, Summers, Tinnin, Venable, Williams, and Wright—20.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Kercheval, McCallum, Meyers, Morgan, Murphy, Norton, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Swift, Tully, Vandall, Wickware, Winchell, and Mr. Speaker—49.

At four o'clock and twenty-five minutes P. M., Mr. Murphy moved to adjourn, on which motion the ayes and noes were demanded by Messrs. Norton, Swift, and Freidenrich, and the House refused, by the following vote:

**AYES**—Messrs. Byers, Clark, Fahey, Gilmore of El Dorado, Hill, Ingham, Knox, McBride, Miller, Morgan, Murphy, Northcutt, Tinnin, Tully, and Williams—15.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Escandon, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Kercheval, Klotz, Long, McCallum, Meyers, Northup, Norton, Parker, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Stowers, Summers, Swift, Vandall, Venable, Wickware, Winchell, Wright, and Mr. Speaker—55.

On motion of Mr. Estee, the bill was ordered to the top of the File for to-morrow.

Substitute for Assembly Bills Nos. 1 and 26, was placed third on the File for to-morrow.



## RESOLUTIONS.

By Mr. Venable:

*Resolved*, That two hundred and forty additional copies of Assembly Bill No. 172 be ordered printed.

Adopted.

By Mr. Russell:

*Resolved*, That the Sergeant-at-Arms of the Assembly be authorized to deliver to the Secretary of the State Board of Health two hundred copies of the biennial report of said Board, for distribution abroad.

Adopted.

At four o'clock and thirty-five minutes P. M., Mr. Northup moved to adjourn.

Lost.

## REPORT.

Mr. Miller had leave to make the following report:

Mr. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due to the Committee on State Prison, beg leave to report the following allowance due the members thereof:

Mr. Ables, three hundred and twenty-nine miles.....	\$49 35
Mr. Cowdery, two hundred and thirty-four miles.....	35 10
Mr. Long, three hundred and twenty-nine miles.....	49 35
Mr. Hamill, three hundred and twenty-nine miles.....	49 35
Mr. Byers, ninety-five miles.....	14 25
Mr. Northcutt, ninety-five miles.....	14 25
Mr. Russell, ninety-five miles.....	14 25

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

MILLER, Chairman.

Adopted.

## RESOLUTION.

Mr. Bowers had leave to offer the following resolution:

*Resolved*, That the Assembly meet in evening session, Friday evening, at seven o'clock, for the consideration of local bills.

Pending consideration of the above resolution, at four o'clock and thirty-seven minutes P. M., on motion of Mr. Hamill, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, February 20th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Hay.

## PETITION.

By Mr. Aldrich—from citizens of San Francisco, urging the passage of a pending bill favoring the eligibility of women for educational offices.

Referred to the Committee on Education.

## REPORT.

The Speaker announced reception of a report from Robert Gardner, Surveyor General, on amounts of principal and interest unpaid January first, eighteen hundred and seventy-four, upon lands in certain reclamation districts.

Referred to the Committee on Swamp and Overflowed Lands.

## PETITIONS.

By Mr. Higbie—from citizens of Los Angeles and San Bernardino Counties, protesting against further appropriations to aid the Southern California District Agricultural Association, and asking appropriations to aid the Agricultural and Mechanical Exposition of Southern California

Referred to the Committee on Agriculture.

By Mr. Stowers—from citizens of Amador County, protesting against the passage of a pending bill to regulate telegraph tariffs.

Referred to the Committee on Corporations.

By Mr. Chandler—from farmers of Sutter and Placer Counties, concerning certain damages to farming lands.

Referred to the Committee on Internal Improvements.

## REPORTS.

By Mr. Meyers:

MR. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 98—An Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five;

Also, Assembly Bill No. 99—An Act to repeal an Act entitled an Act supplementary to an Act entitled an Act to prevent trespassing of ani-

mals upon private property, approved March thirty-first, eighteen hundred and fifty-five, approved May seventeenth, eighteen hundred and sixty-one;

Have had said bills under consideration, and beg leave to report them back, with the recommendation that the author be allowed to withdraw them, and introduce a substitute for both bills, if he sees fit to do so.

SAMUEL MEYERS,  
Chairman.

Assembly Bills Nos. 98 and 99, above reported, were withdrawn by the author.

By Mr. Aldrich:

MR. SPEAKER: The Committee on Commerce and Navigation have had under consideration Assembly Bill No. 176—An Act to amend sections two thousand five hundred and twenty-one to two thousand five hundred and fifty-four, inclusive, of the Political Code—and report the same back with a substitute, and recommend the passage of the substitute.

ALDRICH, Chairman.

Assembly Bill No. 176, above reported, was ordered printed, out of its regular order.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one—have had the same under consideration, and do hereby report it back, with the recommendation that it pass.

Also, Assembly Bill No. 262—An Act to provide for the better protection of stockholders in incorporated companies—was had under consideration, and is hereby reported back, with the recommendation that it be referred to the Committee on Judiciary.

SWIFT, Chairman.

By Mr. Snyder:

MR. SPEAKER: The undersigned, a minority of the Special Committee on the Yosemite and Big Tree Parks, to whom was referred Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits and between the Yosemite and Mariposa Big Tree Parks—beg leave respectfully to dissent from the views of the majority of the committee, and for the following reasons: The general attractiveness and natural beauty of the two localities mentioned above, enlisted the most eloquent language of those who visited them, in giving utterance to the deep impression made by their magnificence and grandeur. The finest word painters, not only of America, but of foreign climes, portrayed in glowing colors the majesty of those brightest gems of American scenery, and so great was the interest manifested in viewing their scenic splendors, that visitors from beyond the seas came especially to obtain ocular evidence of their existence.

So great was the public interest that was created in connection with

Yosemite and Big Tree Parks, that the pride of the people of California became aroused to an extent that brought with it a desire to be the legal possessor of these great centers of attraction, and upon application, by the citizens of California, to Honorable John Conness, then United States Senator representing California, Congress granted to the State a cession of the places named, on condition that the stipulations upon which they were ceded should be kept and maintained; said stipulations being, that the premises should be held for public use, resort, and recreation; should be inalienable for all time. In the Legislature of eighteen hundred and sixty-five and six, an Act was passed accepting the grant, under the stipulations mentioned above, and to further confirm it, appointed Commissioners to manage the Yosemite Valley and Big Tree Groves, in whom was reposed full power to act in all matters appertaining to the trust.

Under these circumstances, the undersigned are of the opinion that the fact that the gift of these celebrated localities is a national one, from the Government to the State, establishes the fact that ingress to them and egress from them should be free to the people from any toll or tax of any kind; and to allow private parties to build roads as a matter of speculation, is in direct violation of the stipulations upon which the grant was made. It is well, in this connection, to state that, in an air line, the Yosemite Valley and Big Tree Park are twelve miles apart; whereas, to reach them, a circuit of one hundred and fifty miles has to be made by the present wagon road, whereas a road of twenty miles would reach them.

The property is a gift from the Government to the State. The amount sought to be raised, for the purposes of the bill, would be but a trifle in comparison to the great value of the gift, and it would be unworthy a wealthy and prosperous State like California to refuse such a request as that contained in the bill, when the entire people would be the gainers.

J. W. SNYDER,  
ROBERT HOWE.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education have had Senate Bill No. 248 under consideration—asking leave of absence for Abraham Powell, Supervisor for Solano County—and report the same back, and recommend that the bill do not pass, as the said Powell has resigned his position as Supervisor.

HIGBIE, Chairman.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 43—asking Congress to declare the meaning of the joint resolution of Congress of June twenty-eighth, eighteen hundred and seventy, in reference to the reserve for a land grant to the Southern Pacific Railroad Company in California, and to restore certain lands to the public domain—have had the same under consideration, and beg leave to report the same back, and recommend that it do pass.

FRANCK, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 264—An Act to amend section twenty-nine hundred and fifty-five of the Civil Code—report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 272—An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirteen—report it back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners constituted by an Act approved April second, eighteen hundred and seventy—report it back, and recommend its passage.

Also, Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code—report it back, and recommend its passage.

Also, Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure—report it back with an amendment, and recommend its passage as amended.

Also, Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 189—An Act relating to the apprenticeship of minors and dissolute persons and defining the relations between master and servant—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of Los Nitos Collegiate Institute—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 231—An Act entitled an Act to transfer certain funds within the County of Kern—report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 181—An Act to repeal section five hundred and fifteen of the Political Code—report it back, and recommend that it do not pass.

WILLIAMS, Chairman.

By Mr. Bowers:

Mr. SPEAKER: The committee to whom was referred Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion—beg leave to report the bill back, and recommend that it be indefinitely postponed.

BOWERS, for Committee.

By Mr. Rogers:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 344—An Act to amend sections three thousand and nine, three thousand and ten, three thousand and twelve, and three thousand and thirty-two, Article III, Chapter II, Title VII, of an Act entitled an Act to establish a Political Code, approved March twelfth,

eighteen hundred and seventy-two—have had the same under consideration, and report it back, and recommend its passage.

ROGERS, for Delegation.

By Mr. Freeman:

MR. SPEAKER: The Yolo and Solano delegation have had under consideration Assembly Bill No. 319—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo—report the same back, and recommend its passage.

FREEMAN, for Delegation.

Assembly Bill No. 319, above reported, the rules were suspended, bill considered engrossed, read a third time, and passed.

By Mr. Pelham:

MR. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 266—An Act concerning the quarterly meeting of the Board of Supervisors of Nevada County—report the same back, and recommend its passage.

PELHAM, for Delegation.

By Mr. Heald:

MR. SPEAKER: The Solano delegation, to whom was referred Assembly Bills Nos. 270 and 271—beg leave to report that the same have been duly considered, and recommend their passage.

HEALD, for Delegation.

#### RESOLUTION.

By Mr. Tinnin:

*Resolved*, That Assembly Bill No. 109 be referred to the Committee of Ways and Means, with instructions to make any alterations that they may think necessary, and report the bill back to the House.

Adopted.

#### GENERAL FILE.

The House, by unanimous consent, took up, out of its order, Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

On the passage of the bill, the ayes and noes were demanded by Messrs. Ferguson, Coggins, and Klotz, and the bill was passed, by the following vote:

AYES—Messrs. Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Higbie, Hill, Howe, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Murphy, Norton, Peek, Pelham, Rogers, Roush, Russell,

Snyder, Stowers, Summers, Swift, Tully, Vandall, Williams, Winchell, Wright, and Mr. Speaker—47.

NOES—Messrs. Aldrich, Bowers, Bradley, Freidenrich, Gray, Hurlburt, Ingham, Northcutt, Northup, Parker, Paulsell, Pishon, Rea, Wickware, and Mr. Speaker—15.

#### RECONSIDERATION.

Mr. Ferguson gave notice that, on to-morrow, he would move to reconsider the vote by which the House, to-day, passed Assembly Bill No. 298.

The House, by unanimous consent, took up out of its order Senate Bill No. 246—An Act to amend an Act entitled an Act to provide for the government of the County of San Diego, approved March twentieth, eighteen hundred and seventy-two.

Read a third time, and passed.

#### RESOLUTIONS.

By Mr. Bowers:

*Resolved*, That the Assembly meet in evening session at seven o'clock this day, for the consideration of local bills only.

Adopted.

By Mr. Heald:

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk of the Assembly be authorized and instructed to number consecutively all sections after section nine of Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 19th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 23—An Act granting certain salt marsh and tide lands of the State to the City of Oakland.

Also, Assembly Bill No. 106—An Act to authorize the husband or wife or next of kin of a deceased person, to collect and receive of any savings bank any deposit in such bank, where the same does not exceed the sum of three hundred dollars.

Also, Assembly Bill No. 138—An Act to provide for the payment of the Architect and Superintendent of the bridge and flight of stairs over the crossing of Harrison and Second streets, in the City and County of San Francisco.

Also, Assembly Bill No. 210—An Act to amend an Act entitled an Act to regulate fees of office and salaries of officers in San Bernardino County, approved March twenty-third, eighteen hundred and seventy-two.

Also, Assembly Bill No. 233—An Act granting leave of absence to C. Burden, Coroner and Public Administrator of Tuolumne County.

Also, Assembly Bill No. 234—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals of the State, approved February thirteenth, eighteen hundred and seventy-two, so far as the same relates to Santa Cruz County.

Also, Assembly Bill No. 90—An Act to incorporate the Town of San Rafael.

NEWTON BOOTH.

Governor.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 18th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixteenth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 297—An Act to provide for the time of holding terms of the County and Probate Courts of Colusa County.

Also, on this day, amended and passed Assembly Bill No. 155—An Act to incorporate Salinas City.

Also, adopted Assembly Concurrent Resolution No. 43—to correct a clerical error in Assembly Bill No. 171.

Also, appointed as Committee of Conference on Senate Bill No. 224, Messrs. Turner, Goodale, and McCoy.

Also, herewith return Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public in San Francisco—the same having no enacting clause.

Also, passed Senate Bill No. 194—An Act to pay the claims of Patrick Kearns.

Also, passed Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 19th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Also, on February eighteenth, passed Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County.

Also, on this day, passed Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public in San Francisco.

Also, amended and passed Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno.



Also, refused to pass Assembly Bill No. 59—An Act to make valid a certain deed made by the Board of Supervisors of the County of San Bernardino, and the Board of Trustees of the Town of San Bernardino.

Also, refused to pass Assembly Bill No. 212—An Act to grant leave of absence to George J. Bennett, County Recorder and Auditor of Contra Costa County.

Also, passed Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Also, passed Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County.

Also, passed Assembly Bill No. 249—An Act concerning official bonds in Mono County.

Also, amended and passed Assembly Bill No. 109—An Act to amend class nine and add class ten to section thirty-three hundred and eighty-two of the Political Code.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER, }  
February 19th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventeenth day of February, A. D. eighteen hundred and seventy four, passed Senate Bill No. 230—An Act to make women eligible to educational offices.

Also, on February eighteenth, passed Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Stanislaus.

Also, passed Senate Bill No. 146—An Act relative to apprentices and masters.

Also, passed Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Also, amended and passed Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa.

Also, on this day, passed Assembly Bill No. 357—An Act to fix the salary of the Superintendent of the public schools in the City of Marysville.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 297, above reported, read first and second times, and referred to the Trinity delegation.

Assembly Bill No. 155—above reported, Senate amendments concurred in.

Senate Bill No. 161, above reported, read first and second times, and referred to the Committee on Public Morals.

Senate Bill No. 194, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 310, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 279, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 140, above reported, Senate amendments concurred in.

Senate Bill No. 230, above reported, read first and second times, and referred to the Committee on Education.

Senate Bill No. 220, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Bill No. 146, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 253, above reported, Senate amendments concurred in.

#### INTRODUCTION OF BILLS.

By Mr. Heald—An Act in relation to the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Bowers—An Act to provide for the sale of the land acquired by the State of California, in pursuance of an Act entitled an Act to provide additional grounds for the State Capitol building in the City of Sacramento, approved April first, eighteen hundred and seventy two, and sale of the building known as the Governor's Mansion.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Miller—An Act to amend section two hundred of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Chandler—An Act to reorganize Levee District Number One, of Sutter County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, an Act to amend section two thousand eight hundred and fifty-three of the Political Code, relating to the establishing of ferries and toll bridges.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Hamill—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the net damages awarded to certain owners of property in the matter of the opening of Second street.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act for the relief of the Commissioners appointed under an Act entitled an Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco within the Laguna survey, and for such persons as contracted bills for services, furniture, etc., with said Commissioners.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Russell—An Act to amend section three thousand and seventy-six of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

Also, an Act to amend section three thousand and seventy-four of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Swift—An Act to reincorporate the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Northup—An Act regulating the measurement of water when sold for mining purposes.

Read first and second times, and referred to the Committee on Mines and Mining Interests.

By Mr. Aldrich—An Act to create a Board of Public Works in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Freeman—An Act in relation to the practice of dentistry.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Cressler—An Act to create the Twenty-first Judicial District.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Northup—An Act granting the right of franchise to the citizen woman in certain cases.

Read first and second times, and referred to the Committee on Woman Suffrage.

By Mr. Long—An Act to amend sections three hundred and forty-three and four hundred and forty-one of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

#### RESOLUTION.

Mr. Cowdery had leave to introduce the following resolution:

*Resolved*, That the Pages in this House be placed under the control of the Speaker, with power, if they disobey his orders, to remove them from their positions.

Adopted.

#### GENERAL FILE.

[Speaker pro tem., Mr. Howe, in the chair.]

Substitute for Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representatives thereof.

Ordered to the head of the File for Tuesday next.

Senate Bill No. 136—An Act to repeal an Act entitled an Act to make an Act herein named applicable to the County of San Bernardino.

Read a third time, and passed.

[Speaker in the chair.]

Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

Amended, the bill considered engrossed, rules suspended, read a third time, and passed.

Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collecting of taxes.

Recommitted to the Chief Clerk, with instructions to strike out the words "not more than," in line five, section six, and to report back to the House immediately.

Pending the consideration of the above bill, at twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### RESOLUTIONS.

Mr. Freidenrich had leave to introduce the following resolution:

*Resolved*, That the Enrolling Clerk be and he is hereby authorized to enroll Assembly Bill No. 323, out of its order.

Adopted.

Mr. Parker had leave to introduce the following resolution:

*Resolved*, That upon adjournment of the House, this evening, it be until the hour of two o'clock and thirty minutes on Tuesday, February twenty-fourth.

Lost.

#### GENERAL FILE RESUMED.

The House resumed consideration of Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes.

[Mr. Tinnin in the chair.]

At one o'clock and fifty-eight minutes P. M., on motion of Mr. Parker, the special order for two o'clock, being the consideration of Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—was passed, until after Assembly Bill No. 143 is disposed of.

The House resumed consideration of Assembly Bill No. 143.

#### MESSAGE FROM THE SENATE.

Pending discussion of the bill, the House, on motion of Mr. Swift, took up the following Senate message:

SENATE CHAMBER,  
February 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 318—An Act to legalize and

confirm certain notices of tax sales, and the tax sales made in pursuance thereof—and ordered the same transmitted without engrossment.

IRA H. REED,  
Assistant Secretary.

Senate Bill No. 318, above reported, was read first and second times, rules suspended, read a third time, and passed.

#### GENERAL FILE RESUMED.

The House resumed consideration of Assembly Bill No. 143.

On a motion to recommit to Mr. Freeman, with instructions to insert the following amendments: amend section thirty-eight hundred and ninety-nine, by striking out "may," in line thirty-three, and insert "shall instruct the Collector to," and to amend section thirty-nine hundred, by striking out "Controller," in line forty-seven, and insert "Collector," the ayes and noes were demanded by Messrs. Cowdery, Norton, and Wickware, and the House refused, by the following vote:

AYES—Messrs. Bradley, Burt, Byrnes, Davis, Freidenrich, Ferguson, Hamill, Higbie, Howe, Long, Northup, Norton, Parker, Paulsell, Pishon, Rea, Rogers, Roush, Swift, Tully, Wickware, and Mr. Speaker—22.

NOES—Messrs. Bowers, Bryan, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Dixon, Escandon, Fahey, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Heald, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, McCallum, Meyers, Miller, Morgan, Murphy, Peek, Pelham, Russell, Snyder, Stowers, Tinnin, Vandall, Venable, Williams, Winchell, and Wright—41.

Mr. Cowdery gave notice that, on to-morrow, he would move to reconsider the vote by which the House, to-day, refused to recommit.

The bill was amended, read a third time, and on its passage the ayes and noes were demanded by Messrs. Cowdery, Howe, and Freidenrich, and the House so ordered, by the following vote:

AYES—Messrs. Bowers, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Dixon, Escandon, Fahey, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Heald, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Parker, Peek, Pelham, Rogers, Roush, Russell, Snyder, Stowers, Tinnin, Tully, Vandall, Venable, Williams, Winchell, and Wright—49.

NOES—Messrs. Bradley, Davis, Freidenrich, Ferguson, Hamill, Howe, Norton, Paulsell, Pishon, Rea, Swift, Wickware, and Mr. Speaker—13.

Mr. Cowdery gave notice that, on to-morrow, he would move to reconsider the vote by which the House, on to-day, passed Assembly Bill No. 143.

On motion of Mr. Kercheval, Assembly Bill No. 213—An Act to repeal an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two—was taken from the File and referred to the Judiciary Committee.

[Speaker in the chair.]

On motion of Mr. Gray, Senate Bill No. 174—An Act reorganizing the Board of Supervisors of Napa County, and for other purposes—was taken up out of its order, read a third time, and passed.

On motion of Mr. Hurlburt, Senate Bill No. 222—An Act to amend an Act entitled an Act to provide for the manner of auditing claims against the County of Humboldt—was taken from the File out of its order, amended, read a third time, and passed.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

On motion, it was ordered that the bill be recommitted to the Committee on Roads and Highways, with instructions to report it back on Wednesday next.

#### GENERAL FILE RESUMED.

Substitute for Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude.

Amended, read a third time, and passed.

Substitute for Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Recommitted to Mr. Paulsell, with instructions to insert certain amendments, and report it back immediately.

Assembly Bill No. 292—An Act concerning the selection and sale of the University lands.

Passed on the File.

Assembly Bill No. 293—An Act to amend section thirty-three hundred and ninety-eight of the Political Code.

Passed on the File.

Claim of John Johnson.

Indefinitely postponed.

Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Amended, read a third time, and passed.

Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands.

Made the special order for Thursday, February twenty-sixth, at two o'clock p. m.

Substitute for Assembly Bill No. 22—An Act concerning commercial travelers, and providing a license.

Ordered engrossed.

Assembly Bill No. 165—An Act to amend the Civil Code of this State.

Passed on the File.

Assembly Bill No. 131—An Act entitled an Act to provide for funding the debt of Kern County.

Laid on the table.

Assembly Bill No. 257—An Act to add section eleven hundred and sixty-five to the Civil Code.

Ordered engrossed.

Assembly Bill No. 258—An Act relating to conveyances of real estate. Amended, and ordered engrossed.

Assembly Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Coggins in the chair.]

Bill considered in Committee of the Whole, amended, and, on motion of Mr. Tinnin, the committee rose and reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 269, reported from the Committee of the Whole, was amended as recommended, the rules were suspended, the bill considered engrossed, and, on its passage, the ayes and noes were demanded by Messrs. Ables, Tully, and McCallum, and the House so ordered, by the following vote:

AYES—Messrs. Bowers, Bradley, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Higbie, Howe, Hurlburt, Klotz, Knox, Long, Meyers, Morgan, Murphy, Northup, Parker, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Tinnin, Tully, Vandall, Venable, Wickware, Winchell, Wright, and Mr. Speaker—41.

NOES—Messrs. Ables, Bryan, Burt, Cressler, Davis, Hamill, Heald, Kercheval, and McCallum—9.

At five o'clock, on motion of Mr. Howe, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Tinnin had leave to make the following report:

MR. SPEAKER: The special committee to whom was referred Senate Bill No. 297—An Act to provide for the time of holding terms of the County Court and Probate Court in the County of Colusa—beg leave to report it back, and recommend its passage.

TINNIN, for Delegation.

Senate Bill No. 297, above reported, was taken up, rules suspended, and the bill read a third time, and passed.

Mr. Paulsell had leave to make the following report:

MR. SPEAKER: The undersigned, to whom was referred Substitute for Assembly Bill No. 316—An Act to repeal an Act entitled an Act to

encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as it relates to Santa Clara County—have amended the same, as instructed, and herewith report it back, and recommend its passage.

PAULSELL.

Assembly Bill No. 316, above reported, was taken up, rules were suspended, and the bill read a third time, and passed.

#### GENERAL FILE.

Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said land.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed—Messrs. Freeman and Meyers voting in the negative.

Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

Ordered engrossed.

Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Senate Bill No. 153—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Chico, Butte County, California, approved January eighth, eighteen hundred and seventy-two.

Read a third time, and passed.

Assembly Bill No. 238—An Act to regulate fees and salaries of officers and defining their duties, in the County of San Diego, and other matters relating thereto.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 82—An Act to incorporate the City of Visalia, and to provide for public schools therein.

Read a third time, and passed.

Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.



Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 338—An Act to authorize the City of Santa Rosa to borrow money.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 178—An Act to provide for the purchasing of sites and the erection of school buildings for the common schools of the City and County of San Francisco.

[Mr. Gray in the chair.]

The bill was re-referred to the San Francisco delegation.

Assembly Bill No. 372—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 203—An Act to provide for the election of certain officers and to reduce certain salaries in the City of Sacramento.

Substitute adopted, amended, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 182—An Act to reincorporate the City of Monterey.

Rules suspended, bill considered engrossed, read a third time, and passed.

#### RESOLUTION.

By Mr. Howe:

*Resolved*, That when this House adjourns, this evening, it be until Tuesday, February twenty-fourth, at the hour of two o'clock and twenty-five minutes, said adjournment being in honor of Washington's birthday.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Passed on File.

Senate Bill No. 191—An Act to repeal section one of an Act supplemental to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, and approved March twenty-eighth, eighteen hundred and sixty-eight, approved April first, eighteen hundred and seventy-two.

Amended, read a third time, and passed.

Senate Bill No. 223—An Act to protect fish in the Counties of Plumas and Sierra.

Read a third time, and passed.

Senate Bill No. 184—An Act to change the present boundaries of the City of Sacramento.

Substitute adopted, read a third time, and passed.

Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Passed on the File.

Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Ordered engrossed.

#### INTRODUCTION OF BILL.

Mr. Meyers had leave to introduce the following: An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Read first and second times, and referred to the San Joaquin delegation.

#### GENERAL FILE RESUMED

Senate Bill No. 241—An Act to prescribe the term of Supervisors in the County of Tuolumne.

Read a third time, and passed.

Assembly Bill No. 393—An Act in relation to public schools in Marin County.

Rules suspended, the bill considered engrossed, read a third time, and passed.

#### REPORTS.

Mr. Higbie had leave to make the following report:

MR. SPEAKER: The Los Angeles delegation have had under consideration Senate Bill No. 72—fixing the salary of County Superintendent of Public Schools for Los Angeles County—report the same back with an amendment, and recommend its passage as amended.

HIGBIE, for Delegation.

Senate Bill No. 72, above reported, Senate amendment concurred in, the bill read a third time, and passed.

Mr. Freidenrich had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that

they have examined and find correctly enrolled Assembly Bill No. 323—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco, for the accommodation of the inhabitants of said city and county residing south of Market street—and have, this twentieth day of February, eighteen hundred and seventy-four, at three o'clock, transmitted the same to the Governor, for his approval.

FREIDENRICH, for Committee.

#### GENERAL FILE RESUMED.

Senate Bill No. 255—An Act to repeal an Act to provide for the maintenance of public roads and trails in the County of Sierra, approved February ninth, eighteen hundred and sixty six.

Amended, read a third time, and passed.

Assembly Bill No. 260—An Act granting the right of way to the Sierra Iron Company.

Substitute adopted, amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Passed on the File.

Senate Bill No. 92—An Act to provide for the payment of outstanding indebtedness of Olmstead School District, in San Luis Obispo County.

Read a third time, and passed.

Assembly Bill No. 394—An Act to incorporate the Town of Hollister.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 284—An Act to provide for the enforcement of private contracts for street work.

Indefinitely postponed.

Assembly Bill No. 240—An Act to amend section fourteen hundred and sixty-nine of the Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

Indefinitely postponed.

#### INTRODUCTION OF BILLS.

Mr. Tully had leave to introduce an Act supplementary to an Act entitled an Act to create the County of San Benito.

Read first and second times, and referred to the Monterey delegation.

Mr. Parker had leave to introduce an Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Read first and second times, and ordered on File.

Mr. Higbie had leave to introduce an Act making an appropriation for the purchase of apparatus for the State Normal School.

Read first and second times, and referred to the Committee on Ways and Means.

#### RESOLUTION.

Mr. Bowers had leave to introduce a concurrent resolution relative to

instructing our Senators and requesting our Representatives to oppose the bill now pending in Congress, introduced by Mr. Shanks—to provide homes for the Mission Indians in Southern California—and any similar bill.

Read first and second times, and referred to the Committee on Federal Relations.

At eight o'clock and thirty-five minutes P. M., on motion of Mr. Hill, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, February 24th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Friday, February twentieth, read, and the following resolution, offered by Mr. Williams, adopted in reference thereto:

WHEREAS, The Journal Clerk, without authority from the House, cut from the Journal a leaf, being pages seven hundred and eighty-one and seven hundred and eighty-two, and it appearing that the minutes of the House for Friday, February twentieth, eighteen hundred and seventy-four, have been correctly entered on pages seven hundred and sixty-nine, seven hundred and seventy, seven hundred and seventy-one, seven hundred and seventy-two, seven hundred and seventy-three, seven hundred and seventy-four, seven hundred and seventy-five, seven hundred and seventy-six, seven hundred and seventy-seven, seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, seven hundred and eighty-three, seven hundred and eighty-four, seven hundred and eighty-five, seven hundred and eighty-six, seven hundred and eighty-seven, seven hundred and eighty-eight, seven hundred and eighty-nine, seven hundred and ninety, seven hundred and ninety-one, seven hundred and ninety-two, seven hundred and ninety-three, seven hundred and ninety-four, seven hundred and ninety-five, seven hundred and ninety-six, seven hundred and ninety-seven, seven hundred and ninety-eight, and seven hundred and ninety-nine of the Journal; be it, therefore,

*Resolved*, That the Speaker be authorized to approve the Journal as written.

On motion of Mr. Bowers, the clerk at the desk was authorized to indorse, as "adopted," certain amendments to Assembly Bill No. 238.

## PETITIONS.

By Mr. Murphy, from citizens of Klamath County, protesting against the proposed disorganization of said county.

Referred to the Klamath delegation.

By Mr. Pishon, from citizens of San Bernardino County, protesting against the passage of an Act regulating rates on telegraphing.

Referred to the Committee on Corporations.

## REPORTS.

By Mr. Paulsell—in reference to the State Insane Asylum report, of which four hundred and eighty copies were ordered printed, and the Journal Clerk authorized to omit copying the report into the Assembly Journal.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 39—to abolish the tariff on quicksilver—beg leave to report that they have had the same under consideration, and recommend that it do pass.

FRANCK, Chairman.

By Mr. Higbie:

MR. SPEAKER: The Committee on Morals have had under consideration Assembly Bill No. 382—prohibiting the feeding of milch cows on still slops—report the same back, and recommend its passage.

HIGBIE, Chairman.

By Mr. Tinnin:

MR. SPEAKER: The Committee on Claims have had under consideration Senate Bill No. 212—An Act for the relief of James W. Marshall—report that they have carefully examined it, and find that the bill is not a claim but a donation—it having neither equity or law to sustain it. From this conclusion, your committee believe that their duties to the House extend no farther than the examination of claims, and respectfully report it back, and ask that it be referred to the Committee on Ways and Means.

We have also examined Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State—report it back, and the majority of the committee recommend that it do not pass.

TINNIN, Chairman.

Assembly Bill No. 212, above reported, was referred to the Committee on Ways and Means.

By Mr. Murphy:

MR. SPEAKER: The minority of the Committee on Claims, to whom was referred Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State—have had the same under consideration, and after a careful examination of the facts of the case,

find the amounts named in the said Act to be due and owing by the State of California to the parties named therein, and the claim, in all respects, to be just and legal, and, therefore, recommend its passage.

J. E. MURPHY,  
JAMES N. BARTON,  
W. H. STOWERS.

Assembly Bill No. 418 was ordered out of the hands of the Committee on Woman Suffrage, and referred to the Judiciary Committee.

#### RESOLUTION.

Mr. Norton had leave to introduce the following:

WHEREAS, William Harney, County Clerk of San Francisco County, has been required to produce before the Election Committee of this House the ballots cast in said county for members of the present Legislature, and to remain in Sacramento in general charge thereof, and whereas, said ballots have all been counted by said committee, sealed up and returned to said County Clerk,

*Resolved*, That William Harney be discharged from further attendance upon the said committee.

Adopted.

#### REPORTS.

By Mr. Freidenrich:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt;

Also, Assembly Bill No. 177—An Act to reincorporate the City of Napa;

Also, Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano;

Also, Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code;

Also, Assembly Bill No. 357—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville;

Also, Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County;

Also, Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County;

And that the same were, this twenty-fourth day of February, eighteen hundred and seventy-four, at two o'clock P. M., transmitted to the Governor for his approval.

FREIDENRICH, for Committee.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 319—An Act to unite Putah School District, in Solano County, and Yolo School District, in the County of Yolo.

Also, Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

Also, Substitute for Assembly Bill No. 5—An Act to suppress Chinese slavery or involuntary servitude.

Also, Assembly Bill No. 22—An Act concerning commercial travelers, and providing a license.

Also, Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation of certain Controller's warrants.

Also, Assembly Bill No. 182—An Act to reincorporate the City of Monterey.

Also, Assembly Bill No. 203—An Act to provide for the election of certain officers and to reduce certain salaries in the City of Sacramento.

Also, Assembly Bill No. 238—An Act to regulate fees and salaries of officers, and defining their duties, in the County of San Diego, and other matters relating thereto.

Also, Assembly Bill No. 257—An Act to add section one thousand one hundred and sixty five to the Civil Code.

Also, Assembly Bill No. 258—An Act relating to conveyances of real estate.

Also, Assembly Bill No. 260—An Act granting the right of way to the Sierra Iron Company.

Also, Assembly Bill No. 269—An Act for the relief of Andrew Was- son, Sheriff of Monterey County.

Also, Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northrop, Horace Cole, and E. B. Goddard and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.

Also, Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

Also, Substitute for Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Also, Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California to enlarge the Capitol grounds, the balance of the purchase price of said land.

BRADLEY, Chairman.

By Mr. Byers:

MR. SPEAKER: The Plumas and Lassen delegations, to whom was referred Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen—report the same back, and recommend its passage.

BYERS, for Delegation.

By Mr. Byrnes:

MR. SPEAKER: The San Mateo delegation have had under consideration Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town—and report it back with an amendment, and recommend its passage.

BYRNES, for Delegation.

By Mr. Dixon:

MR. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County—beg leave to report the same back, and recommend its passage.

DIXON, for Delegation.

By Mr. Carter:

MR. SPEAKER: The Yuba delegation, to whom was referred Assembly Bill No. 387—An Act to incorporate the Town of Wheatland—report the same back, and recommend its passage.

CARTER, for Delegation.

By Mr. Welch:

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 355—An Act to authorize the transfer and loan of certain lands in Lake County—report the same back, and recommend its passage.

WELCH, for Delegation.

#### RESOLUTION.

By Mr. Kercheval:

*Resolved*, That the Surveyor General be and he is hereby requested to furnish this Assembly a list, containing:

First—The number of each swamp land survey returned to him and not yet approved by him;

Second—The name of the applicant in each of said surveys,

Third—The date of the filing of such application in his office; and,

Fourth—The reasons in each case why his approval is withheld or suspended.

Adopted.

#### RECONSIDERATION.

Pursuant to notice, Mr. Klotz moved to reconsider the vote by which the House, on Friday last, passed Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

On motion of Mr. Coggins, the motion to reconsider was indefinitely postponed, and the bill was ordered immediately transmitted to the Senate.



## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of February, A. D. eighteen hundred and seventy-four, amended and passed Assembly Bill No. 186—An Act to amend section two hundred and fifty five of the Political Code.

Also, passed Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure.

Also, passed Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County.

Also, passed Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Also, amended and passed Assembly Bill No. 116—An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

Also, this day, passed Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 282—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Also, passed Senate Concurrent Resolution No. 42—relative to furnishing arms by the General Government.

Also, on this day, passed Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Also, passed Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code.

Also, passed Assembly Bill No. 364—An Act fixing the salary of County Clerk in the County of Shasta.

Also, passed Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Also, passed Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba.

Also, passed Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and extending the time of officers of said city.

Also, adopted and passed Substitute for Assembly Bill No. 157—An Act to amend an Act relating to the Supervisors of Inyo County to levy a

special tax for the purpose of paying E. Chaquette for building bridges for said county.

Also, refused to pass Assembly Bill No. 220—An Act to regulate fares and the sale of tickets by street railroad companies in the City and County of San Francisco.

T. J. SHACKLEFORD,  
Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 186, above reported, House refused to concur in the Senate amendment to section two.

Assembly Bill No. 116, above reported, Senate amendments concurred in.

Senate Concurrent Resolution No. 42, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 282, above reported, read first and second times, and referred to the Nevada delegation.

Senate Substitute for Assembly Bill No. 157, above reported, read first and second times, and adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gilmore—An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code.

Read first and second times, and referred to the El Dorado delegation.

By Mr. Murphy—An Act to prevent monopoly of the timber and grazing lands in the State of California.

Read first and second times, and referred to the Committee on Land Monopolies.

By Mr. Rogers—An Act to authorize the Board of Supervisors of the City and County of San Francisco to aid in the erection and construction of waterworks for the supply and distribution of fresh water to the inhabitants of said city and county, and other matters relating thereto.

Read first and second times, ordered printed, and referred to the San Francisco delegation.

Also, an Act to provide for the speedy completion of the City Hall of the City and County of San Francisco.

Read first and second times, ordered printed, and referred to the San Francisco delegation.

By Mr. Ferguson—An Act to repeal all special road laws in the County of Fresno.

Read first and second times, and ordered on File.

By Mr. Paulsell—An Act to regulate freight on railroads in the State of California when shipped by the carload.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Howe—An Act to amend section thirty-six hundred and seventeen of the Political Code.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Thomas—An Act to fix the salary and define the duties of the Superintendent of Common Schools in the County of Santa Cruz.

Read first and second times, and referred to the Santa Cruz delegation.

By Mr. Freidenrich—An Act to amend the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welch—An Act to amend an Act entitled an Act for the protection of game, approved March twentieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Byrnes—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Amerman—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Read first and second times, and referred to the Committee on Education.

Also, an Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

Read first and second times, and referred to the Committee on Claims.

By Mr. Rogers—An Act to authorize Maurice Dore, John A. Turney, George S. Wright, Henry Wetherbee, J. M. McNulty, their associates and assigns, to repair, renew, extend, construct, and maintain Meiggs Wharf.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Kercheval—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Rogers—An Act to appropriate money to pay for services rendered the State by William Hale.

Read first and second times, and referred to the Committee on Claims.

By Mr. McBride—An Act to change the name of a town in Siskiyou County.

Read first and second times, and referred to the Siskiyou delegation.

By Mr. Stowers—An Act to repeal Article XIII, Chapter III, Title III, of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Terrill—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Barton—An Act for the relief of A. M. Winn.

Read first and second times, and referred to the Committee on Claims.

By Mr. Freeman—An Act concerning county officers in Yolo County, to regulate the fees and salaries thereof.

Read first and second times, and referred to the Yolo delegation.

By Mr. Byers—An Act to legalize the act of the Board of Trustees of Searsville School District in borrowing money, and to provide for the payment of the same.

Read first and second times, and referred to the Lassen delegation.

By Mr. Cressler—An Act concerning lawful and partition fences in the County of Modoc.

Read first and second times, and referred to the Modoc delegation.

By Mr. Williams—An Act to amend an Act entitled an Act supplementary to an Act entitled an Act concerning corporations, passed April

twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Tully—An Act for the annexation of Klamath to Siskiyou and Humboldt Counties.

Read first and second times, and, on motion to refer the bill to the Del Norte, Klamath, Siskiyou, and Humboldt delegations, the ayes and noes were demanded by Messrs. Murphy, Peek, and Miller, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Bradley, Burt, Chandler, Cowdery, Cressler, Freeman, Hamill, Howe, Hurlburt, Kercheval, McBride, Paulsell, Rogers, Roush, Russell, Swift, Terrill, Tully, Vandall, and Wickware—22.

NOES—Messrs. Amerman, Bowers, Bryan, Byers, Canfield, Carter, Clark, Davis, Dixon, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Higbie, Hill, Klotz, Knox, Long, McCallum, Miller, Morgan, Murphy, Northup, Norton, Parker, Peek, Pelham, Pishon, Rea, Simpsters, Simpson, Snyder, Stowers, Summers, Thomas, Venable, Welch, Williams, and Winchell—14.

The bill was then referred to the Klamath delegation.

On motion of Mr. Aldrich, two hundred and forty copies of Assembly Bill No. 415 were ordered printed.

#### GENERAL FILE.

Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

[Speaker pro tem in the chair.]

Mr. Murphy offered the following amendment: Amend section twenty so as to read as follows:

SECTION 20. The Counties of Napa and Mendocino shall be the Twentieth Senatorial District, and shall elect one member of the Assembly; and Napa and Lake shall jointly elect one member of the Assembly.

On the adoption of which, the ayes and noes were demanded by Messrs. McCallum, Murphy, and Cressler, and the House refused, by the following vote:

AYES—Messrs. Barton, Byers, Canfield, Chandler, Cressler, Dixon, Franck, Ferguson, Giffen, Gilmore of Calaveras, Hill, Hurlburt, Ingham, Klotz, McBride, Miller, Morgan, Murphy, Northup, Parker, Peek, Pelham, Simpsters, Simpson, Stowers, Summers, Tully, Venable, and Williams—29.

NOES—Messrs. Ables, Aldrich, Amerman, Bradley, Bryan, Burt, Byrnes, Carter, Clark, Coggins, Cowdery, Davis, Freeman, Freidenrich, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Kercheval, Knox, Long, McCallum, Meyers, Norton, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Snyder, Swift, Terrill, Thomas, Vandall, Welch, Wickware, Winchell, and Mr. Speaker—12.

On motion of Mr. Canfield, line three of section four was amended so as to read as follows: "Tulare and Kern shall elect jointly one member of the Assembly, and Mono and Inyo shall elect jointly one member of the Assembly."

On motion of Mr. Tully, section seven was amended so as to read as follows:

SECTION 7. The Counties of Santa Clara and San Benito shall be the Seventh Senatorial District. The County of Santa Clara shall elect three members of the Assembly and two Senators, and the County of San Benito, jointly with Santa Clara County, shall elect one member of the Assembly.

At five o'clock and seven minutes P. M., Mr. Dixon moved to adjourn.

On the adoption of which, the ayes and noes were demanded by Messrs. Amerman, Norton, and Freidenrich, and the House refused, by the following vote:

AYES—Messrs. Barton, Dixon, Gilmore of El Dorado, Higbie, Hurlburt, Ingham, McBride, Miller, Morgan, Murphy, Peek, Simpser, Simpson, and Venable—14.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Heald, Hill, Howe, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Northup, Norton, Parker, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Tully, Vandall, Welch, Wickware, Williams, Winchell, and Mr. Speaker—58.

Mr. Murphy offered the following:

Amend section twenty-seven so as to make it read as follows:

SECTION 27. The Counties of Humboldt, Klamath, and Del Norte shall be the Twenty-seventh Senatorial District, and shall elect one Senator; Humboldt shall elect one member of the Assembly, and Klamath and Del Norte Counties shall jointly elect one member of the Assembly.

On the adoption of the above amendment, the ayes and noes were demanded by Messrs. Murphy, Franck, and Peek, and the House refused, by the following vote:

AYES—Messrs. Barton, Dixon, Franck, Ferguson, Giffen, Gilmore of El Dorado, Hill, Hurlburt, Ingham, Klotz, Long, McBride, Miller, Morgan, Murphy, Parker, Peek, Pelham, Simpser, Simpson, Stowers, Summers, and Williams—23.

NOES—Messrs. Ables, Aldrich, Amorman, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Freeman, Freidenrich, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Kercheval, Knox, McCallum, Meyers, Norton, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—47.

At five o'clock and fifteen minutes P. M., Mr. Russell moved to take a recess until seven o'clock P. M.

Lost.

Mr. Swift moved to suspend the rules, consider the bill engrossed, and place it upon its passage, to which Mr. Williams offered the following amendment:

"That the bill be recommitted to the Committee on Apportionment, with instructions to ascertain the correct population of the State, upon which to make an apportionment, by adding to the vote cast in each county for Governor in eighteen hundred and seventy-five, five non-voters for each voter; and, upon ascertaining the population in this manner, to make an apportionment."

Lost.

On the motion of Mr. Swift, the ayes and noes were demanded by Messrs. Murphy, Peek, and Simpson, and the House refused to suspend the rules, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Cowdery, Davis, Freeman, Freidenrich, Ferguson, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Knox, Long, McCallum, Meyers, Norton, Parker, Paulsell, Pishon, Rea, Rogers, Roush, Snyder, Swift, Terrill, Thomas, Tully, Venable, Welch, Wickware, Winchell, and Mr. Speaker—45.

**NOES**—Messrs. Clark, Coggins, Dixon, Franck, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hill, Hurlburt, Ingham, Kercheval, Klotz, McBride, Miller, Morgan, Murphy, Northup, Peek, Pelham, Russell, Simpers, Simpson, Stowers, Summers, and Williams—25.

At six o'clock and seven minutes P. M., Mr. Estee moved to adjourn, upon which motion the ayes and noes were demanded by Messrs. Norton, Murphy, and Peek, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Chandler, Clark, Coggins, Cowdery, Davis, Freeman, Freidenrich, Ferguson, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Kercheval, Knox, Long, McCallum, Meyers, Norton, Paulsell, Pishon, Rea, Rogers, Roush, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—45.

**NOES**—Messrs. Byers, Carter, Dixon, Franck, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hill, Hurlburt, Ingham, Klotz, McBride, Miller, Murphy, Northup, Parker, Peek, Pelham, Russell, Simpers, Simpson, Stowers, Summers, and Williams—24.

And at six o'clock and nine minutes P. M., the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
 Wednesday, February 25th, 1874. }

House met pursuant to adjournment.  
 Speaker in the chair.  
 Roll called, and a quorum present.  
 Prayer by the Chaplain.  
 Journal of yesterday read and approved.

## PETITIONS.

By Mr. Cowdery—from citizens of San Francisco County, urging the passage of a pending bill making women eligible to educational offices.

Referred to the Committee on Education.

By Mr. Rea—from citizens of Santa Clara County, urging the passage of bill as above.

Referred to the Committee on Education.

By Mr. Klotz—from citizens of Tehama County, protesting against the passage of a no-fence law for said county.

Referred to the Committee on Agriculture.

## REPORTS.

By Mr. Franck:

Mr. SPEAKER: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 33—relative to procuring donation from the General Government of certain big tree groves—have had the same under consideration, and report it back, with the recommendation that it do pass.

FRANCK, Chairman.

By Mr. Snyder:

Mr. SPEAKER: The Committee on Roads and Highways, to whom was referred Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—beg leave to report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare—beg leave to report the same back, and recommend its reference to the Tulare delegation.

Also, Assembly Bill No. 280—An Act to change the road law of Kern County—report the same back, and recommend its passage.

SNYDER, Chairman.

Senate Bill No. 192, above reported, was referred to the Tulare delegation.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means having considered

Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court of the State of California—report the same back, and recommend its passage.

Also, Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code, and report the same back with amendments, and recommend that the same pass as amended.

FREEMAN, Chairman.

By Mr. Welch:

Mr. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 73—An Act for the payment of the indebtedness incurred in repainting and refitting the State Capitol—beg leave to report that they have examined, on oath, the various parties connected with the employment of the labor, and the parties who performed said labor, and who furnished the material used, and would report the same back with a substitute, and recommend the passage of the substitute.

Your committee would further report that, in relation to the labor performed, they are satisfied, from the evidence adduced, that the number of days time was put in in and about the building by the painters and plasterers that is claimed in the bills presented as vouchers, and that the price per day was reasonable and proper, and that the workmen have been paid for their labor.

Yet your committee feel it their duty, in this connection, to state it as their belief that the workmen cannot possibly have performed even a fair amount of labor per day, and that the employés and officers in charge of public works of this character are, in a measure, responsible for the want of interest taken by the workmen employed thereon.

We would also take occasion here to state that we cannot too severely reprehend the practice which has, to some extent, been recognized, of appointing workmen, overseers, or foremen, upon public works, for personal, partisan, or political reasons, rather than on account of their qualifications for the positions to which they are appointed. So long as this practice is tolerated we may expect the State to pay more than double the amount paid by individuals for the amount of labor performed.

WELCH, Chairman.

By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred the following bills, would report that they have examined the same, report them back, and recommend their passage:

An Act ratifying and confirming the action of the City Council of Oakland for the relief of W. W. Foote.

An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County.

An Act for the relief of Asa Howard and others, of the County of Alameda.

GURNETT,  
AMERMAN.



By Mr. Davis:

Mr. SPEAKER: Your committee to whom was referred Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Stanislaus—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

By Mr. McBride:

Mr. SPEAKER: The Siskiyou delegation, to whom was referred Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County—report the same back, and recommend its passage.

McBRIDE, for Delegation.

By Mr. Cressler:

Mr. SPEAKER: The delegation to whom was referred Assembly Bill No. 446—An Act concerning lawful and partition fences in the County of Modoc—report the same back, and recommend its passage.

CRESSLER, for Delegation.

By Mr. Giffen:

Mr. SPEAKER: The Nevada delegation, to whom was referred Assembly Bill No. 370—An Act regulating proceedings in Courts of record of Nevada County in certain cases—have had the same under consideration, and report it back, and recommend its passage.

GIFFEN, for Delegation.

#### RESOLUTIONS.

By Mr. Miller:

*Resolved*, That Ed. Hesser be and he is hereby appointed Porter for the Assembly, at a per diem of four dollars, payable out of the Contingent Fund of the Assembly, for the twentieth session.

Referred to the Committee on Rules and Employés.

Mr. Tinnin gave notice that he would, on to-morrow, introduce a resolution to amend Rule Seventy-six, so as to require the Assistant Clerk to place all local bills at the head of the File on each day of this session.

By Mr. Miller:

*Resolved*, That all bills, which shall not have been printed, reported favorably upon by a delegation, before being adopted shall be referred to a standing committee.

Adopted.

#### LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Wright.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eighteenth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 265—An Act concerning roads in the County of Santa Clara.

Also, on February twenty-first, concurred in Assembly amendments to Senate Bills Nos. 72, 184, 255, 222, and 191.

Also, amended and passed Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the County of Inyo, and of the Constables within said county.

Also, passed Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication.

Also, passed Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Also, adopted Assembly Concurrent Resolution No. 45—to correct an error in Assembly Bill No. 198.

Also, passed Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry Colwell and others to lay down and maintain water pipes in the Town of Santa Cruz.

Also, amended and passed Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State.

Also, passed Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.

Also, on February nineteenth, passed Senate Bill No. 181—An Act for the relief of Adolph E. Servitias.

Also, passed Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Also, passed Senate Bill No. 218—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 164—An Act to incorporate the City of Santa Barbara.

Also, passed Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Also, passed Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Also, passed Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling.

Also, passed Senate Bill No. 275—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city.

Also, passed Senate Bill No. 287—An Act for the relief of J. C. Hamer.

Also, passed Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco.

Also, passed Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.

Also, passed Senate Bill No. 280—An Act to amend the Civil Code.

Also, passed Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code.

Also, passed Senate Bill No. 285—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Also, passed Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, in Shasta County.

Also, passed Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo County.

Also, passed Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Also, on February eighteenth, passed Senate Bill No. 193—An Act making appropriations for the payment of certain claims in favor of J. A. Breunor.

Also, on February nineteenth, passed Senate Bill No. 317—An Act amendatory of and supplemental to an Act to regulate fees of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy.

Also, passed Assembly Bill No. 290—An Act to prevent stallions from running at large in the County of Mono.

I am also directed to inform your honorable body, by request of the Governor, of the receipt of a communication from the Hon. Wm. A. Richardson, Secretary of the Treasury, concerning submarine sites for lighthouses, and other aids to navigation.

IRA H. REED,

Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Concurrent Resolution No. 27, above reported, Senate amendments concurred in.

Assembly Bill No. 348, above reported, Senate amendments concurred in.

Senate Bill No. 2, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Senate Bill No. 56, above reported, read first and second times, and referred to the Committee on Education.

Senate Bill No. 157, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 181, above reported, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 164, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 193, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 218, above reported, read first and second times, and referred to the Committee on Internal Improvements.

Senate Bill No. 227, above reported, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 249, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 242, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 254, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 265, above reported, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 269, above reported, read first and second times, and referred to the San Luis Obispo delegation.

Senate Bill No. 275, above reported, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 280, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 283, above reported, read first and second times, and ordered on File.

Senate Bill No. 287, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 285, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 289, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 294, above reported, read first and second times, and referred to the Merced delegation.

Senate Bill No. 298, above reported, read first and second times, and referred to the Shasta delegation.

Senate Bill No. 317, above reported, read first and second times, and referred to the Siskiyou delegation.

#### RECONSIDERATION.

Mr. McCallum gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, adopted the resolution introduced by Mr. Miller, relative to the reference of local bills to standing committees.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Amerman—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Rea—An Act providing the manner for satisfying mortgages and other liens of record.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Substitute for Assembly Bill No. 22—An Act to amend the Political Code by adding thereto certain sections, to be designated as sections three thousand three hundred and eighty-eight, three thousand three hundred and eighty-nine, three thousand three hundred and ninety, and three thousand three hundred and ninety-one.

Recommended to Mr. Freidenrich, with instructions to insert a certain amendment.

Reported back by Mr. Freidenrich, amendment adopted, read a third time, and passed.

Assembly Bill No. 258—An Act relating to conveyances of real estate.

Read a third time, and passed.

Assembly Bill No. 257—An Act to add section one thousand one hundred and sixty-five to the Civil Code.

Read a third time, and passed.

Resolution asking Judiciary Committee to report suitable amendments to the State Constitution to provide for the legislative representation in this State.

Read a third time, and, on its adoption, the ayes and noes were demanded by Messrs. Murphy, Peek, and Summers, and the House so ordered, by the following vote:

**AYES**—Messrs. Bowers, Bryan, Burt, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gray, Hurlburt, Ingham, Klotz, Knox, Long, McBride, Miller, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Roush, Russell, Simpers, Simpson, Stowers, Summers, Tinnin, Venable, Williams, and Winchell—36.

**NOES**—Messrs. Ables, Aldrich, Amerman, Barton, Canfield, Carter, Chandler, Cowdery, Franck, Freidenrich, Hamill, Hammitt, Heald, Higbie, Howe, Kercheval, McCallum, Norton, Paulsell, Pishon, Rea, Rogers, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Welch, Wickware, and Mr. Speaker—31.

Assembly Bill No. 292—An Act concerning the selection and sale of the University lands.

Pending consideration of the bill, at twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORT.

By Mr. Bradley:

**MR. SPEAKER:** The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Also, Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.

Also, Assembly Bill No. 338—An Act to authorize the City of Santa Rosa to borrow money.

Also, Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter.

Also, Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

Also, Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Also, Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco.

Also, Assembly Bill No. 367—An Act authorizing the Board of Super-

visors of the City and County of San Francisco to examine and pay certain claims.

BRADLEY, Chairman.

Mr. Freeman had leave to make the following report:

Mr. SPEAKER: The Yolo delegation have considered Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof—and after amending the same, report it back, recommending its passage as amended, and also recommending its reference to the Committee on Mileage, with the request that the bill be reported back as early as possible.

FREEMAN, for Delegation.

Assembly Bill No. 444, above reported, was referred to the Committee on Mileage.

#### SPECIAL ORDER.

At one o'clock P. M. the Speaker announced the special order to be the consideration of Assembly Bill No. 172—An Act providing for a general system of canals for irrigation, agriculture, and other purposes—which, on motion of Mr. Gray, was postponed for thirty minutes.

#### GENERAL FILE RESUMED.

The House resumed the consideration of Assembly Bill No. 292—An Act concerning the selection and sale of the University lands.

Mr. Swift moved to recommit the bill to the Joint Committee on University Lands, on the adoption of which the ayes and noes were demanded by Messrs. Coggins, Murphy, and Higbie, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Canfield, Carter, Cowdery, Escandon, Freidenrich, Gurnett, Hamill, Higbie, Howe, McCallum, Patterson, Rogers, Roush, Snyder, Stowers, Swift, Tinnin, Thomas, Wickware, Williams, and Mr. Speaker—25.

NOES—Messrs. Ables, Bryan, Burt, Byers, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gray, Hammitt, Heald, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Paulsell, Peek, Pelham, Pishon, Rea, Russell, Simpers, Summers, Terrill, Venable, and Winchell—46.

On a motion by Mr. Terrill, to recommit the bill to the Judiciary Committee, with instructions to report by the fifth of March, the ayes and noes were demanded by Messrs. Murphy, Coggins, and Peek, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Bryan, Burt, Byrnes, Canfield, Carter, Cowdery, Escandon, Freeman, Freidenrich, Gilmore of El Dorado, Gurnett, Hammitt, Higbie, Hill, Howe, Long, McCallum, Northrup, Parker, Patterson, Rea, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Swift, Terrill, Tinnin, Thomas, Wickware, Williams, and Mr. Speaker—37.

NOES—Messrs. Ables, Bradley, Byers, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gray, Heald, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Norton, Paulsell, Peek, Pelham, Pishon, Summers, Venable, and Winchell—35.

#### REPORT.

The Speaker presented a report from the St. Boniface Orphan Asylum, for the two years ending December thirty-first, eighteen hundred and seventy-three.

Referred to the Committee on Ways and Means.

The Speaker presented a communication from the Journal Clerk, relative to the mutilation of the Journal of February twentieth, and disclaiming any criminal manipulation of the same, which was read to the House.

Substitute for Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collecting of taxes—was ordered reengrossed.

#### SPECIAL ORDER.

At one o'clock and thirty minutes P. M. the House resumed consideration of Assembly Bill No. 172—An Act providing for a general system of canals for irrigation, agriculture, and other purposes.

The House went into Committee of the Whole for the consideration of sections eleven and twelve of the bill.

[Mr. Tinnin in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Gray, the committee arose, reported the bill back, and recommended that sections eleven and twelve be adopted.

#### IN ASSEMBLY.

[Speaker in the chair.]

On the adoption of sections eleven and twelve, as reported from the Committee of the Whole, the ayes and noes were demanded by Messrs. Gilmore of El Dorado, Tinnin, and Gray, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Barton, Bowers, Burt, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Davis, Dixon, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Klotz, Long, McCallum, Meyers, Norton, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Snyder, Swift, Terrill, Thomas, Venable, Wickware, Williams, and Mr. Speaker—42.

NOES—Messrs. Ables, Bradley, Bryan, Byers, Coggins, Fahey, Franck, Giffen, Gilmore of El Dorado, Hill, Kercheval, Knox, McBride, Morgan, Murphy, Northup, Parker, Patterson, Peek, Simpers, Simpson, Summers, Tinnin, and Winchell—24.

Mr. Parker moved to amend section fifty-one, as follows: "*Provided*, that nothing in this Act shall, in any part of the State, be so construed as to permit of the irrigation, under this Act, of any lands, the titles to which are had under the swamp land laws;" on the adoption of which,

the ayes and nays were demanded by Messrs. Swift, Aldrich, and Wickware, and the House refused, by the following vote:

**AYES**—Messrs. Byers, Carter, Dixon, Escandon, Fahey, Franck, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hill, Kercheval, Klotz, Long, McBride, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Peek, Pelham, Pishon, Summers, Tinnin, and Winchell—26.

**NOES**—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Freidenrich, Ferguson, Gurnett, Hammitt, Heald, Higbie, Howe, Hurlburt, Knox, McCallum, Meyers, Patterson, Paulsell, Rea, Rogers, Roush, Russell, Simpers, Swift, Terrill, Venable, Welch, Wickware, Williams, and Mr. Speaker—39.

The substitute was adopted, bill amended, and, on motion to order the bill engrossed, the ayes and noes were demanded by Messrs. Tinnin, Barton, and Gilmore of El Dorado, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Barton, Bowers, Byrnes, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Freidenrich, Ferguson, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Klotz, McCallum, Meyers, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Swift, Terrill, Thomas, Venable, Welch, Wickware, Williams, and Mr. Speaker—37.

**NOES**—Messrs. Ables, Bradley, Bryan, Burt, Byers, Carter, Clark, Dixon, Escandon, Fahey, Franck, Giffen, Gilmore of El Dorado, Gray, Hill, Kercheval, Knox, Long, McBride, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Simpers, Summers, Tinnin, and Winchell—32.

#### REPORT.

Mr. Coggins had leave to present the following report:

**MR. SPEAKER:** The joint committee appointed in pursuance of Assembly Joint Resolution No. 18, which reads as follows:

*Resolved by the Assembly, the Senate concurring, That a committee of three from the Senate and four from the Assembly, be appointed, to consider and report upon the necessity and policy of calling a Convention to revise the State Constitution.*

Have considered the subject matter submitted to them, and now report the resolution back, with the result of their deliberations.

That our State Constitution needs a thorough revision, seems to be beyond question. Admirable as was that instrument in the first place, and well adapted to the condition of things existing at the time of its adoption, the great and radical changes which have taken place, not only in our State, but in the country at large, have rendered many parts of it inapplicable to the present phases of our civilization, if not in open antagonism thereto. The difference between our condition now and twenty-three years ago is so great that if it was the result of a more speedy process, it could only be expressed by the word "revolution."

A necessity for a change in the organic law being conceded, the only question left is as to the method by which that change shall be effected. Whether in detail, by the action of the Legislature, aided by the votes



of the people, or by an examination, review, and revision of the whole instrument by a body of citizens called together in lawful form for that specific purpose. The committee prefer, and therefore recommend the latter plan, for many reasons.

First—The method of amendment by the Legislature is not satisfactory in theory, and has not proved to be so in results. It is simply impossible for members of the Legislature to give to these subjects that thought and attention which their importance demands, while oppressed with their other legislative duties.

Second—The people, in voting upon a single amendment, do not give to it that study and reflection which they would if the whole instrument was submitted, and the whole question involved.

Third—Amendments, good in themselves, as an isolated and independent proposition are often found, when attempted to be placed in the body of the Constitution, not to fit in or harmonize with other portions of the general framework.

Fourth—It is to the people themselves that the question of a Convention is to be submitted, and to assume that they cannot decide it properly, would be to insult their intelligence, and, perhaps, amount to a denial of one of their rights.

Fifth—The present condition of our laws for the assessment and collection of taxes for revenue, is in the last degree unsatisfactory, and the decisions of our Supreme Court, as to the bearing of the Constitution upon our revenue laws, leave the whole matter in a state of painful uncertainty. If a Constitutional Convention could accomplish no other object than to frame an amendment to the organic law which will prepare the way for a just and equitable system of property assessment, and thereby properly adjust the burdens of taxation, that, alone, would warrant its assemblage, and the bare hope of such a result, in our judgment, warrants its calling. We are persuaded, that if an election be had at which there shall be no side issues to distract the mind of the voter from the single question of Constitutional amendment, we will have a Convention of earnest, thoughtful, practical men, able and willing to address themselves to their great task, and that the result of their labors will be a new Constitution which will reflect credit upon its authors, and promote the welfare of the whole people.

Sixth—The proper adjustment of the great issues between the people and the railroad corporations can, in our judgment, be more nearly arrived at by proper amendments to the organic law than by fleeting and transitory legislation. For these and other reasons, we recommend that the Legislature, at its present session, take proper steps to submit to the electors, at the next election for members of Senate and Assembly, the question as to whether or not they favor the calling together of a body of themselves to form a Constitutional Convention, in accordance with section two of Article X of the Constitution.

W. W. PENDEGAST,  
GEO. S. EVANS,  
W. J. GRAVES,

On the part of the Senate.

P. COGGINS,  
W. J. GURNETT,  
DANIEL ROGERS,  
G. W. GIFFEN,

On the part of the Assembly.

The report was ordered printed.

At five o'clock and twenty minutes P. M., on motion of Mr. Hamill, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, February 26th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Gray—from citizens of Butte County, protesting against a pending bill for regulating telegraph rates.

Referred to the Committee on Corporations.

By Mr. Canfield—from citizens of Tulare County, protesting as above.

Referred to the Committee on Corporations.

By Mr. Rea—from citizens of Santa Clara County, relative to passage of local option and civil damage laws.

Referred to the Committee on Public Morals

Senate Bill No. 242, yesterday referred to the Committee on Ways and Means, was ordered re-referred to the Napa delegation.

A remonstrance from citizens of Tehama and Colusa Counties, referred, on yesterday, to the Committee on Agriculture, was ordered re-referred to the Tehama and Colusa delegation.

## REPORTS.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two—beg leave to report that they have considered the same, and report it back, with the recommendation that it pass.

Also, Assembly Bill No. 268—beg leave to report that they have had the same under consideration, and report it back, and recommend that it be referred to the Committee on Judiciary.

Also, Assembly Bill No. 347—An Act to provide for the payment or funding of certain Controller's warrants drawn upon swamp land districts—report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 300—An Act to amend section thirty-four hundred and forty-two of the Political Code—have considered the same, and report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 286—An Act to organize Siskiyou County into one swamp land district—report the same back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 299—An Act to amend section thirty-four hundred and forty-three of the Political Code—and recommend that the same be indefinitely postponed.

KERCHEVAL, Chairman.

Assembly Bill No. 268, above reported, was referred to the Judiciary Committee.

By Mr. Higbie:

MR. SPEAKER: The Committee on Education have had under consideration Senate Bill No. 230—An Act making women eligible to certain offices—report the same back, and a majority of the committee recommend its passage.

HIGBIE, Chairman.

Also, by the same:

MR. SPEAKER: The Committee on Education have had under consideration Assembly Bill No. 435—An Act providing funds for the school department of the Town of Alameda—report the same back, and recommend its passage.

HIGBIE, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 372—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of Yolo.

Also, Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

Also, Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Also, Assembly Bill No. 398—An Act in relation to public schools in Marin County.

BRADLEY, Chairman.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, and State of California—beg leave to report the same back, and recommend its passage.

FRANCK, Chairman.

By Mr. Miller:

MR. SPEAKER: The Committee on Mileage, to whom was referred Assembly Bill No. 444—An Act concerning county officers in Yolo county,

and to regulate fees and salaries thereof—beg leave to report the same back, and recommend its passage.

MILLER, Chairman.

On motion of Mr. Freeman, Assembly Bill No. 444, above referred to, was considered by the House, amendments reported adopted, and the bill ordered engrossed.

By Mr. Williams:

Mr. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 53, concerning the legality of the Board of Tide Land Commissioners, submit the following report:

The Board of Tide Land Commissioners was created by Act of the Legislature, approved March thirtieth, eighteen hundred and sixty-eight (Stats. 1867-68, p. 116), and their jurisdiction extended by amendment to said Act, approved April first, eighteen hundred and seventy (Stats. 1869-70, p. 541), and was continued in force by the Codes (Sec. 698, p. 131, Vol. I, Political Code).

Section seven of Article XI of the Constitution is as follows:

"When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office not fixed by this Constitution ever exceed four years."

The Supreme Court has fully settled this question in its decision in the action of the People vs. Stratton (28 Cal. Reports, p. 382). In an opinion rendered by the Court in that case, it says: "The section of the Constitution quoted declares that the duration of any office not fixed by the Constitution shall never exceed four years. This does not mean that the office shall cease to exist after the Constitutional limit declared has expired; but the word 'duration' evidently means the term which may be fixed by the constituting authority as the limit beyond which the incumbent's right by election or appointment to the office shall not extend."

The committee find that the Board of Tide Land Commissioners were appointed according to law, have duly qualified, and are a legal body.

WILLIAMS, Chairman.

Also, by the same:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California—and a majority of the committee report it back, and recommend that it do not pass.

Also, Substitute for Assembly Bill No. 213—An Act to repeal an Act to fund the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two—and report it back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code—and report it back with an amendment, and recommend its passage as amended.

WILLIAMS, Chairman.

By Mr. Rogers:

MR. SPEAKER: The Judiciary Committee, to whom was referred Substitute for Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State—having duly considered the same, a minority of said committee respectfully recommend the passage of said Act.

ROGERS, for Minority.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, after consideration of Senate Bill No. 61—An Act to amend section two thousand nine hundred and fifty-eight of the Political Code—report the same back, and recommend its passage.

FREEMAN, Chairman.

By Mr. Rogers:

MR. SPEAKER: Your Committee on Rules and Employés, to whom was referred a resolution appointing an additional Porter, have had the same under consideration. Upon a diligent inquiry your committee are of the opinion that there is no necessity for an additional Porter; and, therefore, recommend that the resolution be not adopted.

ROGERS, for Committee.

By Mr. McBride:

MR. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 317—An Act amendatory of and supplemental to an Act to regulate fees of officers in Siskiyou County, approved March twelfth, eighteen hundred and seventy—report the same back, and recommend its passage.

J. W. McBRIDE, for Delegation.

By Mr. Canfield:

MR. SPEAKER: The Tulare delegation, to whom was referred Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare—beg leave to report upon the same, and recommend its passage.

CANFIELD, for Delegation.

By Mr. Byers:

MR. SPEAKER: The Plumas and Lassen delegation, to whom was referred Assembly Bill No. 445—An Act to legalize the act of the Board of Trustees of Susanville School District, in borrowing money, and to provide for the payment of the same—report the same back, and recommend its passage.

BYERS, for Delegation.

By Mr. Davis:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block and buildings thereon, in the Town of Snelling—beg leave to report that they have had the same

under consideration, and report the same back, and recommend its passage.

DAVIS, Chairman.

RESOLUTION.

Mr. McCallum had leave to introduce the following resolution:

*Resolved*, That the resolution adopted by this House yesterday, requiring that all bills reported favorably on by delegations shall be referred to some standing committee, is hereby rescinded.

Adopted.

REPORTS RESUMED.

By Mr. Summers:

MR. SPEAKER: The Tuolumne delegation, to whom was referred Senate Bill No. 124—An Act to repeal an Act concerning roads and highways in Tuolumne County—respectfully return the same, and recommend that it do not pass.

SUMMERS, for Delegation.

By Mr. Gurnett:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 351—An Act to authorize the Trustees of the first Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland, County of Alameda—have examined the same, report it back, and recommend its passage.

GURNETT,  
AMERMAN.

By Mr. Williams:

MR. SPEAKER: The El Dorado delegation have considered Assembly Bill No. 287—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes—and recommend its passage.

WILLIAMS, for Delegation.

By Mr. Amerman:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 148—An Act amendatory of and supplementary to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda—respectfully report back a substitute therefor, and recommend the passage of the substitute.

AMERMAN, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 25th, 1874.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 357—An Act to fix the salary of the Superintendent of Public Schools in the City of Marysville.

Also, Assembly Bill No. 125—An Act granting leave of absence to D. B. Merry, County Surveyor of Nevada County.

Also, Assembly Bill No. 245—An Act for the relief of B. K. Thorn, Sheriff of Calaveras County, California.

Also, Assembly Bill No. 177—An Act to incorporate the City of Napa.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS.

Mr. Bowers had leave to introduce the following:

*Resolved*, That General Appropriation Bill No. 242 be made the special order for to-morrow, at one o'clock P. M.

Adopted.

[Speaker pro tem. in the chair.]

Pursuant to notice, Mr. Tinnin introduced the following:

Amend Rule Seventy-six as follows: After the word "Clerk," in the third line from top, insert the words: "*Provided*, that the Assistant Clerk shall place all local bills at the head of the File."

To which Mr. Coggins offered the following amendment:

*Resolved*, That until otherwise ordered, the Assembly will meet every Wednesday and Friday evening, for the consideration of local bills.

Amendment adopted.

By Mr. Aldrich:

*Resolved by the Assembly, the Senate concurring*, That the Sergeant-at-Arms be and is hereby authorized to furnish the California Immigrant Union with one thousand copies of the last report of the Surveyor General of California, for circulation in the Atlantic States and Europe; and, upon the adjournment of the Legislature, with such State documents, reports, etc., as he may have on hand, for like distribution.

Referred to the Committee on Rules and Employés.

By Mr. Venable:

*Resolved*, That the Engrossing Clerk be authorized to re-number the sections of Assembly Bill No. 172.

Adopted.

By Mr. Dixon:

*Resolved*, That the Copying Clerks of the Assembly be allowed to appoint two additional Assistant Clerks, at the same per diem as is allowed other Assistant Clerks of the Assembly.

Referred to the Committee on Rules and Employés.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 145—An Act concerning the officers of the County of Sacramento, defining their duties and fixing their compensation.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 26th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed, and ordered transmitted without engrossment, Senate Bill No. 336—An Act concerning the office of Treasurer of Sierra County.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
February 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno.

Also, on the twentieth, passed Senate Bill No. 320—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco.

Also, passed Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California.

Also, passed Senate Concurrent Resolution No. 47—against granting a further subsidy to the Pacific Mail Steamship Company's line to China.

Also, on the twenty-first instant, passed Senate Bill No. 225—An Act fixing the salary of the County Clerk of Trinity County.

Also, passed Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 234—An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.



Also, passed Senate Bill No. 232—An Act to amend section thirty-nine hundred and twenty-two of the Political Code.

Also, passed Senate Bill No. 329—An Act to establish a public road along the boundary line between the Counties of Yolo and Colusa.

Also, on this day, amended and passed Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Also, passed Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California.

Also, refused to pass Assembly Bill No. 87—An Act in relation to Swamp Land District Number One Hundred and Fifty.

Also, on this day, amended and passed Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 159—An Act to fix the salaries of certain officers in the County of Alameda, and for other purposes.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Also, passed Senate Bill No. 278—An Act to amend the Political Code, concerning the delinquency of taxes.

Also, passed Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

Also, passed Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 26th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 49—relative to correcting an error in Senate Bill No. 246.

CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bill No. 145, above reported, rules suspended, read a third time, and passed, and ordered immediately transmitted to the Senate.

[Speaker in the chair.]

Senate Bill No. 329, above reported, read a third time, and passed.

Senate Bill No. 336, above reported, read a third time, and passed.

Senate Bill No. 317, above reported, read a third time, and passed.

Substitute for Senate Bill No. 159, above reported, read a third time, and passed.

Senate Bill No. 325, above reported, read a third time, and passed.

Senate Bill No. 320, above reported, read first and second times, and referred to the San Francisco delegation.

[Speaker pro tem., Mr. Howe, in the chair.]

Senate Bill No. 234, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 232, above reported, read first and second times, and referred to the Butte and Tehama delegations.

Senate Bill No. 74, above reported, read first and second times, and referred to the Fresno and Tulare delegations.

Senate Concurrent Resolution No. 47, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Concurrent Resolution No. 18, above reported, read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 299, above reported, read first and second times, and referred to the San Luis Obispo delegation.

Assembly Bill No. 117, above reported, House non-concurred in Senate amendment.

[Speaker in the chair.]

Assembly Bill No. 241, above reported, House non-concurred in certain amendments, and concurred in certain other amendments to the bill.

Senate Bill No. 278, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 276, above reported, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 225—above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 91, above reported, Senate amendments concurred in.

Senate Joint Resolution No. 49, above reported, adopted.

## NOTICE.

By Mr. Tully, of a bill to annex a portion of Monterey County to Santa Cruz County.

## INTRODUCTION OF BILLS.

By Mr. Coggins—An Act to consolidate certain school districts in the Counties of Sacramento and San Joaquin.

Read first and second times, and referred to the Sacramento and San Joaquin delegations.

By Mr. Byers—An Act to regulate the fees of Tax Collector in and for Plumas County.

Read first and second times, and referred to the Plumas delegation.

By Mr. Norton—An Act to establish a State Board of Immigration.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Higbie—An Act to discourage drunkenness and diminish crime and pauperism.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Heald—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Read first and second times, and ordered on File.

By Mr. Stowers—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County.

Read first and second times, and referred to the Amador delegation.

By Mr. Gray—An Act to organize reclamation districts and create reclamation funds in the County of Butte.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Rea—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto.

Read first and second times, and referred to the Santa Clara delegation.

By Mr. Heald—An Act to provide for the construction of good and permanent roads by townships.

Read first and second times, and referred to the Committee on Roads and Highways, and ordered printed.

By Mr. Simpson—An Act to redistrict the County of Tehama and to reorganize the Board of Supervisors in and for said county.

Read first and second times, and referred to the Tehama delegation.

By Mr. Higbie—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Williams—An Act to amend the Penal Code.

Read first and second times, and referred to the Committee on Corporations.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 26th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 295—An Act to fix the salaries of certain officers in Mendocino County.

Also, passed Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles.

Also, on the twenty-first instant, passed Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County.

Also, on the twenty-fourth instant, passed Senate Concurrent Resolution No. 46—in relation to mail service between San Diego and Julian mining district.

Also, passed Senate Bill No. 323—An Act to authorize the payment of a debt in Washington School District, in Cloverdale Township, in Sonoma County.

Also, passed Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma.

Also, passed Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy.

Also, passed Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County.

Also, on the twenty-fifth instant, passed Senate Bill No. 343—An Act to reorganize the Supervisor Districts of Monterey County.

CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 295, above reported, Senate amendments concurred in, rules suspended, and the bill ordered enrolled out of its order.

Senate Bill No. 127, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No. 326, above reported, read first and second times, and referred to the Nevada delegation.

Senate Concurrent Resolution No. 46, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 323, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 237, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 273, above reported, read first and second times, and referred to the Amador delegation.

Senate Bill No. 332, above reported, read first and second times, and referred to the Siskiyou delegation.

Senate Bill No. 343, above reported, read first and second times, and referred to the Monterey delegation.

#### REPORT.

Mr. Tinnin had leave to make the following report:

MR. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 287, report it back without recommendation.

TINNIN, Chairman.

Senate Bill No. 287, above reported, was referred to the Santa Barbara, Ventura, and San Luis Obispo delegations.

#### GENERAL FILE.

Assembly Bill No. 344, on motion of Mr. Swift, was taken from the File, and referred to the San Francisco delegation.

Assembly Bill No. 317—An Act declaring Alameda Creek, in the

County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Read a third time, and passed.

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORTS.

Mr. Hay had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba;

Also, Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code;

Also, Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city;

Also, Assembly Bill No. 364—An Act fixing the salary of the County Clerk in the County of Shasta;

Also, Substitute for Assembly Bill No. 107—An Act to repeal subdivision second of section one hundred and fifteen of the Code of Civil Procedure;

Also, Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools in Butte County;

Also, Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa;

Also, Assembly Bill No. 249—An Act concerning official bonds in Mono County;

And that the same were, this twenty-sixth day of February, eighteen hundred and seventy-four, at ten o'clock and twenty minutes A. M., transmitted to the Governor, for his approval.

HAY, Chairman.

Mr. Freeman had leave to make the following report:

MR. SPEAKER: The Committee on Ways and Means have had under consideration Senate Bill No. 250—An Act to protect the Treasurer of Contra Costa County—and report the same back amended, and recommend its passage as amended.

FREEMAN, Chairman.

Senate Bill No. 250, above reported, amendments recommended by the committee adopted; the bill further amended, and ordered to lie on the table; subsequently taken from the table, and referred to the Siskiyou delegation.

## GENERAL FILE RESUMED.

Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother for maintaining a ferry.

Read a third time, and passed.

## REPORT.

Mr. Norton had leave to make the following report:

Mr. SPEAKER: Your Committee on Elections, to whom was referred the San Francisco contested election cases, having performed the duties assigned them, respectfully submit the following report:

Acting under the annexed resolution, your committee have taken the testimony herewith submitted, and carefully and accurately recounted the ballots for members of Assembly cast in the City and County of San Francisco at the last general election. Of the sitting members, whose seats were contested, James Patterson received ten thousand one hundred and four votes; B. C. Vandall, nine thousand eight hundred and seventy-eight votes; John Hamill, nine thousand two hundred and sixty-one votes; G. C. Wickware, ten thousand one hundred and thirty-six votes; and Robert Howe, nine thousand three hundred and thirty votes. Of the contestants, W. Delancy received nine thousand and thirty-nine votes; M. Hayes, eight thousand six hundred and ninety-nine votes; P. Ryan, eight thousand nine hundred and thirty-six votes; G. H. Rogers, eight thousand eight hundred and twenty-eight votes; and A. Wason, nine thousand and eighty seven votes.

The sitting members, Messrs. Patterson, Wickware, Vandall, Hamill, and Howe, having each received a majority of the votes cast, and their certificates being in due form, are hereby reported duly elected, and entitled to seats upon this floor. It will be perceived that, in every instance, the contesting parties have lost by the recount. The patient and careful canvass of the ballots made by your committee, leads to the unanimous conclusion that the errors discovered (which in no wise affect the result), in the original count, were those usually, and perhaps inevitably, attendant upon the counting of ballots in a large city, the evening after an election, by officers wearied with toil and surrounded by excited parties interested in the result, and zealous in pressing their views upon the official canvassers.

We reject, as unfounded, the charges of malpractice made against the election officers of the City and County of San Francisco. They stand unsupported by any evidence worthy of serious consideration.

We cannot permit this opportunity to pass without expressing our surprise and regret that the contestants should have felt themselves justified in making and pursuing a contest based, as it proved to be, upon the most shadowy and unsubstantial foundation—a contest fruitless of results, except the imposing upon the committee duties and labors most perplexing, harrassing, and arduous, and upon the State a heavy expense. These, and these alone, are the fruits of the contest. To perform the duties assigned them, the committee have employed six clerks for twelve days each, and one of them for an additional day, in the necessary work of closing up their labors.

In view of the vexatious and toilsome nature of the clerical labor,

and of the number of hours spent each day in its accomplishment, your committee recommend that these clerks be allowed the sum of eight dollars per day.

Colonel William Harney, Clerk of the City and County of San Francisco, with a deputy, having in charge the sealed packages of ballots, was, in obedience to legislative mandate, present, in constant attendance upon the committee, and it is recommended that he be allowed the sum of one hundred and twenty-two dollars and fifty cents, the amount of his actual expenses, as per schedule hereto annexed.

It is proper to mention, in this connection, that Colonel Harney positively and generously declined to ask for, or receive, any compensation whatever for the personal services of himself or deputy.

Tabulated returns, showing the votes by wards and precincts, cast for each of the sitting members and contestants, are herewith submitted.

It is recommended that the phonographic reporter, employed by the committee, be allowed the sum of ten dollars for services in taking and transcribing the testimony of F. A. Gibbs, witness sworn and examined upon the part of Mr. Hamill, the sitting member.

All of which is respectfully submitted.

NORTON, Chairman.

*Resolved*, That the Committee on Elections be authorized to summon the County Clerk of San Francisco to appear before the committee, at Sacramento, bringing with him the ballots cast at the September election, to be recounted by the committee, and that they be allowed to employ such clerical force as shall be necessary to make a speedy recount of the vote.

Adopted.

Expenses of County Clerk of San Francisco and deputy attending before Committee of Assembly on contested election cases:

Paid for boxes and truckage.....	\$11 50
Expressage to Sacramento.....	2 50
Expressage to San Francisco.....	2 50
Board for self and deputy.....	90 00
Fares to and from San Francisco for self and deputy.....	16 00
Total .....	\$122 50

#### RESOLUTIONS.

Mr. Norton had leave to introduce the following resolution:

*Resolved*, That allowances be and the same are hereby made to Mrs. Esther Stacy, Mrs. Minnie Barnes, Mrs. B. H. Stone, Julius Jackson, and Clarence Upton, in the sum of ninety-six dollars each, and to Charles E. Beane one hundred and four dollars, for services as Clerks

of the Committee on Elections; to William Harney, Clerk of the City and County of San Francisco, the sum of one hundred and twenty-two dollars and fifty cents, as expenses for himself and deputy while in attendance on said committee; to H. A. Jones, for services as phonographic reporter, in taking testimony in the San Francisco contested election cases, the sum of ten dollars. The Controller is hereby authorized and directed to draw his warrants upon the Contingent Fund of the Assembly for the sums specified, and in behalf of the parties herein named; and the Treasurer is hereby authorized and directed to pay the same.

Adopted.

Mr. Norton had leave to introduce the following:

WHEREAS, It appears, after due examination, investigation, and a recount of the ballots by the Committee on Elections, that James Patterson, John Hamill, B. C. Vandall, G. C. Wickware, and Robert Howe, now sitting as members of this body from the City and County of San Francisco, were duly and legally elected as such members, at the general election held in said city and county on the third day of September, eighteen hundred and seventy-three, therefore, be it

*Resolved*, That said James Patterson, John Hamill, B. C. Vandall, G. C. Wickware, and Robert Howe, now sitting as members of this body from the City and County of San Francisco, were duly and legally elected as such members at the general election held in said city and county on the third day of September, eighteen hundred and seventy-three, and are entitled to hold their seats as such.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 165—An Act to amend the Civil Code of this State. Taken from the File, and referred to the Committee on Irrigation.

Assembly Bill No. 293—An Act to amend section thirty-three hundred and ninety-eight of the Political Code.

Taken from the File, and referred to the Judiciary Committee, with instructions to report the same back on the fifth of March.

Assembly Bill No. 179—An Act to add section sixteen hundred and twenty-five to the Political Code.

Pending consideration of the bill, at two o'clock P. M., the Speaker announced the special order to be consideration of Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands.

Which, on motion of Mr. Tully, was made the special order for Wednesday, March fourth, at two o'clock P. M.

#### GENERAL FILE RESUMED.

The House resumed consideration of Assembly Bill No. 179—An Act to add section sixteen hundred and twenty-five to the Political Code.

Amended, and on the motion to engross the bill, the ayes and noes were demanded by Messrs. Coggins, Ables, and Higbie, and the House refused, by the following vote:



AYES—Messrs. Barton, Bradley, Burt, Byrnes, Carter, Coggins, Davis, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Hill, Kercheval, Klotz, Knox, Long, Meyers, Miller, Murphy, Northup, Parker, Paulsell, Pelham, Pishon, Roush, Russell, Summers, Terrill, Tinnin, and Mr. Speaker—32.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Byers, Canfield, Chandler, Clark, Cowdery, Cressler, Franck, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Ingham, McBride, McCallum, Morgan, Northcutt, Norton, Patterson, Peek, Rea, Rogers, Simpers, Simpson, Snyder, Stowers, Thomas, Tully, Venable, Welch, Wickware, Williams, and Winchell—43.

Assembly Bill No. 183—An Act to induce school teachers to continue in the profession, and make teaching a specialty.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Cressler in the chair.]

The bill was considered in the Committee of the Whole, and, on motion of Mr. Bowers, the committee arose, reported the bill back, and recommended its indefinite postponement.

#### IN ASSEMBLY:

[Speaker in the chair.]

Assembly Bill No. 183, above reported from the Committee of the Whole, was indefinitely postponed.

Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding thereto a section to be designated as section twelve hundred and seventy-nine.

Ordered engrossed.

Assembly Concurrent Resolution No. 34—relative to an increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five.

The rules were suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

Amended, and ordered engrossed.

Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Bowers in the chair.]

The bill was considered in the Committee of the Whole, and, on motion of Mr. Howe, was reported back, with the recommendation that it be ordered engrossed as amended.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 230, above reported from Committee of the Whole, amendments adopted, and the bill ordered engrossed.

Assembly Bill No. 244—An Act to amend section forty-three hundred and twenty-nine of the Political Code.

Amended, and, on motion to indefinitely postpone the bill, the ayes

and noes were demanded by Messrs. Ferguson, Bowers, and Snyder, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Barton, Bradley, Bryan, Burt, Byers, Carter, Clark, Coggins, Davis, Dixon, Fahey, Freeman, Freidenrich, Giffen, Gray, Hamill, Hammitt, Heald, Howe, Knox, Long, Meyers, Northcutt, Northup, Patterson, Paulsell, Peek, Pishon, Roush, Russell, Stowers, Summers, Swift, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—39.

**NOES**—Messrs. Amerman, Bowers, Canfield, Cowdery, Cressler, Escandon, Franck, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hurlburt, Ingham, Kercheval, Klotz, McBride, McCallum, Morgan, Norton, Pelham, Rea, Simpers, Simpson, Snyder, Tully, Venable, and Williams—27.

#### REPORT.

Mr. Bradley had leave to make the following report:

**MR. SPEAKER:** The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 394—An Act to incorporate the Town of Hollister.

Also, Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 318—An Act to amend section thirty-three hundred and eighty-one of the Political Code.

Passed on the File.

Senate Joint Resolution No. 17—relative to restoring the odd sections reserved for the Atlantic and Pacific Railroad, in the Counties of San Luis Obispo, Monterey, Santa Cruz, Santa Clara, San Mateo, and San Francisco, to preemption and homestead entry.

Read a third time, and passed.

Senate Concurrent Resolution No. 45—relative to the mail route from Shasta City, Shasta County, to Lake City, in Siskiyou County.

Read a third time, and passed.

Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

The House went into Committee of the Whole to consider section four of the bill.

[Mr. Cowdery in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Gurnett, the committee arose, reported the bill back, and recommended that it be passed to engrossment.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 32, above reported from Committee of the Whole, was ordered engrossed.

Senate Bill No. 6—An Act to amend an Act entitled an Act to estab-

lish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Read a third time, and passed.

On motion of Mr. Howe, Assembly Bill No. 176—An Act to amend sections twenty-five hundred and twenty-one to twenty-five hundred and fifty-four, inclusive, of the Political Code—was made the special order for Tuesday next, at two o'clock P. M.

Senate Bill No. 67—An Act to amend sections seventeen, twelve hundred and five, and fourteen hundred and forty-six of the Penal Code.

Read a third time, and passed.

Senate Bill No. 84—An Act to amend section seven hundred and ninety-nine of the Political Code, in regard to bonds of Notaries Public.

House refused to pass the bill.

Senate Concurrent Resolution No. 25—on Chinese immigration and the Burlingame Treaty.

Read a third time, and passed.

Assembly Bill No. 336—An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes.

Substitute adopted, and ordered engrossed.

Assembly Bill No. 362—An Act concerning railroad tickets in this State.

Amended, and on the engrossment of the bill, the ayes and noes were demanded by Messrs. Bowers, Winchell, and Freidenrich, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McCallum, Meyers, Miller, Morgan, Murphy, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—69.

**NOES**—Messrs. Bowers, Ferguson, Higbie, Hill, and McBride—5.

On motion of Mr. Norton, the rules were suspended, the bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Tully had leave to present the following report:

MR. SPEAKER: The Monterey delegation, to whom was referred Senate Bill No. 343—An Act to reorganize the Supervisor Districts of Monterey County—have had the same under consideration, and report it back, with a recommendation that it pass.

TULLY, for Delegation.

Senate Bill No. 343, above reported, was taken up, rules suspended, read a third time, and passed.

On motion of Mr. Swift, Assembly Bill No. 96—An Act to define the

Senatorial and Assembly Districts of this State, and to apportion the representation thereof—was placed at the head of the File for to-morrow.

On motion of Mr. Barton, Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State—was placed second on the File for to-morrow.

#### RESOLUTION.

Mr. Miller had leave to introduce the following resolution:

WHEREAS, Information has been received of the death, on last evening, February twenty-fifth, at San Francisco, of Honorable Thomas A. Springer, State Printer; and whereas, during his residence in this State of nearly a quarter of a century, he at all times maintained an honorable and upright character in every relation of life; therefore, be it  
*Resolved*, That this House do now adjourn in respect to his memory.

Adopted, and at four o'clock P. M., the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, February 27th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Franck—from citizens of Santa Clara County, favoring the passage of a pending bill making women eligible to educational offices.  
Referred to the Committee on Education.

By Mr. Simpers—from citizens of El Dorado County, remonstrating against the passage of a pending bill to prevent the trespassing of animals upon private property in the County of El Dorado.

Referred to the Committee on Agriculture.

By Mr. Simpson—from citizens of Tehama County, in favor of a pending bill for the better protection of the agricultural interests in said county.

Referred to the Committee on Agriculture.

By Mr. Giffen—from citizens of Nevada County, asking a change of the boundary between the Counties of Nevada and Placer.

Referred to the Committee on Counties and County Boundaries.

## REPORTS.

Reports were made as follows:

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 193—An Act making appropriation for the payment of certain claims in favor of John A. Breuner—beg leave to report that they have carefully considered said bill, and would respectfully report the same back, and recommend its passage.

TINNIN, Chairman.

By Mr. Murphy:

Mr. SPEAKER: The Committee on Public Expenditures and Accounts beg leave to report that they have examined the following bills and accounts, found them correct, and recommend that they be paid:

TO WHOM DUE.	Amount.
Geo. Rowland, for postage and box rent.....	\$60 50
John J. Doyle, witness fees.....	27 00
Sutter Creek Independent.....	8 00
Calaveras Chronicle.....	30 00
Alta California.....	70 20
A. S. Hopkins.....	15 00
S. C. Houghton.....	41 70
Red Bluff Sentinel.....	8 00
Monitor.....	18 00
Geo. I. Lytle, for Call and Bulletin.....	417 50
Northern Enterprise.....	10 00
Hebrew Observer.....	3 00
Santa Cruz Sentinel.....	6 00
Sacramento Bee.....	12 75
Oakland Transcript.....	12 00
Mountain Messenger.....	9 00
Alameda County Gazette.....	4 00
San Francisco Chronicle.....	4 25
Tehama Independent.....	6 00
Antioch Ledger.....	3 00
Benicia Tribune.....	6 00
Union Democrat.....	25 00
Wachhorst, three magnifying glasses.....	10 00
H. A. Weaver & Co.....	27 00
Spirit of the Times.....	30 00
Trinity Journal.....	6 00
West Coast Signal.....	36 00
Yreka Journal.....	7 50
Alameda Encinal.....	3 00
Healdsburg Flag.....	30 00
Fresno Expositor.....	18 00
Yolo Mail.....	48 00
Geo. H. Richards, phonographic reporter.....	37 95

TO WHOM DUE.	Amount.
D. J. Staples, Bribery Committee.....	\$31 25
J. T. Glover, Bribery Committee.....	31 25
W. W. Dodge, Bribery Committee.....	31 25
T. M. Nozler, Bribery Committee.....	31 25
J. H. Mott, Bribery Committee.....	31 25
Wm. N. McNamara, Bribery Committee.....	24 25
Thos. N. Wand, Bribery Committee.....	31 25
L. L. Bullock, Bribery Committee.....	31 25
T. G. Phelps, Bribery Committee.....	39 00
Thos. Hughes, Bribery Committee.....	20 25
M. E. Jiminez, Bribery Committee.....	113 25
Richard Murray, Bribery Committee.....	31 25
L. L. Bullock, Committee on Claims.....	31 25
F. A. Gibbs.....	31 25
J. R. Hardenbergh.....	31 25
Wm. Crutcher, Sergeant-at-Arms, for subpoenas and arrests....	628 00
W. D. Delaney.....	30 00

MURPHY, Chairman.

*Resolved*, That the Controller be and he is hereby authorized and directed to draw warrants in favor of the persons named in the above report of the Committee on Expenditures and Accounts, for the sums set opposite their names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 2—An Act to establish a training ship in the City and County of San Francisco—find that it is purely local, relating only to San Francisco, and they report the same back, and recommend its reference to the San Francisco delegation.

ALDRICH, Chairman.

Senate Bill No. 2, above reported, was referred to the San Francisco delegation.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 329—An Act to promote the destruction of squirrels, and other wild and destructive animals—have had the same under consideration, and beg leave to report it back to the House without recommendation.

MEYERS, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 167 have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 161, recommending that it do pass.

PATTERSON, for Committee.

By Mr. Meyers:

MR. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly Concurrent Resolution No. 47—to furnish the California Immigrant Union with official reports—have had the same under consideration, and, after careful inquiry, find that the Sergeant-at-Arms has about fifteen hundred copies of the Surveyor General's report now on hand; also, that the probabilities are that quite a number of copies of the reports of other State officers will be to spare at the close of the session, whereupon we would respectfully report the resolution back, and recommend its passage.

MEYERS, for Committee.

Assembly Concurrent Resolution No. 47, above reported, read a third time, and passed.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 42—relative to the Yosemite Valley and Big Tree Grove—beg leave to report that they have had the same under consideration, and report it back, and recommend its passage.

FRANCK, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 162—An Act to amend certain sections of the Code of Civil Procedure—and report it back, and recommend that it do not pass.

Also, Assembly Bill No. 154—An Act to provide for the construction of a flume for the transportation of lumber, and other like materials, from the headwaters of San Lorenzo Creek to the Town of Santa Cruz, in the County of Santa Cruz—and report it back, and recommend that it do not pass.

Also, Assembly Bill No. 375—An Act to amend the Code of Civil Procedure—and report it back, and recommend that it do not pass.

Also, Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code—and report it back, and recommend that it do not pass.

Also, Senate Bill No. 285—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code—and report it back, and recommend that it do not pass.

Also, Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code—and report it back, and recommend its passage.

Also, Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure—and report it back, and recommend that it do not pass.

WILLIAMS, Chairman.

By Mr. Welch:

Mr. SPEAKER: The Napa County delegation, to whom was referred Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa—report the same back with amendments, and recommend its passage as amended.

WELCH, for Delegation.

By Mr. Swift:

Mr. SPEAKER: Your Committee on Corporations, to whom was referred Assembly Bill No. 400—An Act to prevent unjust discrimination, by railroad and other transportation companies, in the rates charged for the transportation of passengers and freights, and for other purposes—have had the same under consideration, and have adopted a substitute therefor, and hereby report it back, with the recommendation that the substitute pass.

Also, Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight—hereby report it back, with the recommendation that it pass.

SWIFT, Chairman.

By Mr. Hay:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 458—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto—have had the same under consideration, and report the same back, and recommend its passage.

HAY, for Delegation.

By Mr. Pelham:

Mr. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 282—An Act to amend an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two—beg leave to report the same back, and recommend its passage.

PELHAM, for Delegation.

By Mr. McBride:

Mr. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 250—An Act to protect the County Treasuries of certain counties—beg leave to report that they have had the same under considera-



tion, and report the same back with a substitute, and recommend the passage of the substitute.

J. W. McBRIDE, for Delegation.

By Mr. Stowers:

Mr. SPEAKER: The delegation from Amador and Alpine Counties, to whom was referred Assembly Bill No. 456—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County—beg leave to report the same back, and recommend its passage.

MILLER,  
STOWERS,  
For Delegation.

By Mr. Venable:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

VENABLE, for Delegation.

By Mr. Williams:

Mr. SPEAKER: The El Dorado delegation have considered Senate Bill No. 229—An Act to authorize and empower the Auditor of El Dorado County to allow certain claims against the county—report it back, and recommend its passage.

WILLIAMS, for Delegation.

By Mr. Simpson:

Mr. SPEAKER: The Tehama delegation, to whom was referred Assembly Bill No. 301—An Act to protect agriculture and to prevent the trespassing of animals in the County of Tehama—report the same back, with an amendment, and recommend its passage as amended.

SIMPSON, for Delegation.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 344—An Act to amend sections three thousand and nine, three thousand and ten, three thousand and twelve, and three thousand and thirty-two, Article III, Chapter II, Title VII, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—have had the same under consideration, and have adopted a substitute, and report the same back, with the recommendation that the substitute pass.

Also, Assembly Bill No. 369—An Act to prevent and correct truancy and vagrancy among boys of school age, in the City and County of San Francisco—which they recommend be indefinitely postponed.

Also, Assembly Bill No. 438—which they recommend be referred to the Committee on Commerce and Navigation.

SWIFT, Chairman.

Assembly Bill No. 438, above reported, was referred to the Committee on Commerce and Navigation.

By Mr. Miller:

Mr. SPEAKER: The delegation from Alpine and Amador, to whom was referred Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy—beg leave to report the same back, and recommend its passage.

MILLER, for Delegation.

[Speaker pro tem., Mr. Howe, in the chair.]

By Mr. Franck:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara—beg leave to report the same back, with amendments, and recommend that it pass as amended.

FRANCK, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 26th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 198—An Act to establish and define the powers and duties of the Board of Education of Vallejo Township, in the County of Solano.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS.

By Mr. Wickware:

*Resolved*, That the Enrolling Clerk be instructed to enroll Assembly Bill No. 91—An Act to authorize the closing of certain streets in the City and County of San Francisco—out of its order.

Adopted.

By Mr. Rogers:

*Resolved*, That all local bills on the General File, for this day, be passed until the evening session.

Adopted.

By Mr. Coggins:

*Resolved*, That the evening sessions of the Assembly commence at seven o'clock.

Adopted.

By Mr. Pelham:

WHEREAS, There is a large number of bills already introduced in the Assembly, and being but comparatively few of them disposed of at the present time, therefore, be it

*Resolved*, That no more new bills be introduced in the Assembly, during this session, after the tenth day of March, eighteen hundred and seventy-four.

On motion of Mr. Murphy, the resolution was laid on the table.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 26th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of February, A. D. eighteen hundred and seventy-four, adopted and passed a Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 27th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of February, A. D. eighteen hundred and seventy-four, amended and passed Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands.

Also, passed Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

Also, adopted and passed Senate Substitute for Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco.

Also, passed Assembly Bill No. 192—An Act to add additional sections to the Political Code relating to costs in criminal cases.

Also, passed Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County.

Also, indefinitely postponed Assembly Bill No. 305—An Act providing for an additional Justice of the Peace in Chico Township, Butte County.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
February 27th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fifth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 240—An Act to authorize the County Treasurer of Napa County to pay certain warrants drawn by the Auditor of Napa County, out of the General Road Fund of said county.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

[Speaker in the chair.]

Assembly Bill No. 298, above reported, on a motion to concur in Senate amendments to section one of the bill, which reads as follows: "*Provided*, that no actions commenced prior to the taking effect of this Act, under the Act to which this Act is supplemental, shall be in anywise affected by the passage of this Act," the ayes and noes were demanded by Messrs. Coggins, Barton, and Snyder, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Barton, Bryan, Burt, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Northcutt, Northup, Norton, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Williams, Winchell, and Mr. Speaker—58.

NOES—Messrs. Amerman, Bowers, Bradley, Carter, Fahey, Ferguson, Higbie, Howe, McBride, Parker, Paulsell, Venable, Welch, and Wickware—14.

The Enrolling Clerk was instructed to enroll Assembly Bill No. 298 out of its order.

Assembly Bill No. 178, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Substitute for Assembly Bill No. 201, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Substitute for Assembly Bill No. 88, above reported, read first and second times, ordered printed, and referred to the Judiciary Committee.

Senate Bill No. 230, above reported, read first and second times, rules suspended, read a third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Ferguson—An Act to fix the salary of the County Judge of Fresno County.

Read first and second times, and ordered on File.

By Mr. Terrill—An Act to enlarge the powers of the Board of Edu-

cation of the City and County of San Francisco, and to authorize them to pay certain claims.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Amerman—Assembly Concurrent Resolution, asking for the establishment of a lighthouse and fog bell on Yerba Buena Island.

Read first and second times, rules suspended, read a third time, and passed.

By Mr. Stowers—An Act to empower the County School Superintendents of the State to take part in the selection of text books.

Read first and second times, and referred to the Committee on Education.

By Mr. Byrnes—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Read first and second times, and ordered on File.

By Mr. Rogers—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. McCallum—An Act to repeal all special road laws in Mendocino County.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Hill—An Act to add another section to the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Burt—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same.

Read first and second times, and ordered on File.

By Mr. Franck—An Act to amend section two hundred and eighty-six of the Civil Code of California, and to add a new section to said Civil Code, to be known as section three hundred.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Amerman—An Act to encourage the planting and cultivation of oysters.

Read first and second times, and ordered on File.

Also, an Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance to the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times, and referred to a special committee, consisting of Messrs. Amerman, Cowdery, and Gilmore of Calaveras.

Also, an Act to repeal section five hundred and ninety-nine of the Penal Code.

Read first and second times, and referred to a special committee, consisting of Amerman, Cowdery, and Gilmore of Calaveras.

By Mr. Tully—An Act to annex a portion of Monterey County to Santa Cruz County.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

#### GENERAL FILE.

Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

Pending consideration of the bill, at eleven o'clock and fifty-eight

minutes A. M., on motion of Mr. Cowdery, the time for taking recess was extended for fifteen minutes.

On motion of Mr. Coggins, as amended by Mr. Swift, the following resolution was adopted:

*Resolved*, That Assembly Bill No. 96 be recommitted to Committee on Apportionment, with instructions to amend it so as to provide for the representation of San Benito and Modoc Counties, in both the Senate and Assembly, as they may find to be practicable and just, and report immediately after recess.

At twelve o'clock and five minutes P. M., on motion of Mr. Cowdery, the House took a recess until one o'clock P. M., for the further consideration of Assembly Bill No. 96.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORT.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The Committee on Apportionment, to whom was referred Substitute for Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof, with special instructions to provide for the representation of the Counties of San Benito and Modoc, and report amendments to the bill to that effect—beg leave to report as follows: That the committee have duly considered the matter, and have unanimously agreed to three amendments to the bill, the effect of which is to carry out the instructions of the House, and which said bill, as amended, the committee now reports back to the House, with the recommendation that it pass as amended.

SWIFT, Chairman.

On motion of Mr. Swift, the special order, being consideration of Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years—was postponed until after Assembly Bill No. 96 is disposed of.

#### GENERAL FILE RESUMED.

Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

On the adoption of the following amendment, as recommended by the Committee on Apportionment: Amend section twenty-eight by striking out all after the words, "section twenty-eight," and insert the following: The Counties of Siskiyou, Modoc, Trinity, and Shasta, shall be the Twenty-eighth Senatorial District, and shall elect jointly one Senator; Siskiyou and Modoc shall elect jointly one member of the Assembly; Trinity and Shasta shall elect jointly one member of the Assembly—

the ayes and noes were demanded by Messrs. Miller, Northcutt, and Summers, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Davis, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Hamill, Hammitt, Hay, Heald, Hill, Howe, Kercheval, Long, McCallum, Meyers, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—48.

**NOES**—Messrs. Clark, Dixon, Fahey, Hurlburt, Ingham, Klotz, Miller, Morgan, Murphy, Northcutt, Peek, Pelham, Simpson, Stowers, Summers, and Tinnin—16.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tinnin, Paulsell, and Amerman, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Davis, Escandon, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Kercheval, Knox, Long, McCallum, Meyers, Miller, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—52.

**NOES**—Messrs. Byers, Clark, Cressler, Dixon, Fahey, Giffen, Gilmore of El Dorado, Hill, Hurlburt, Ingham, Klotz, McBride, Morgan, Murphy, Northcutt, Northup, Peek, Pelham, Simpers, Simpson, Stowers, Summers, Tinnin, and Williams—24.

On motion of Mr. Swift, to order the bill reengrossed out of its order, the ayes and noes were demanded by Messrs. Tinnin, Swift, and Terrill, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Burt, Byrnes, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Escandon, Franck, Freeman, Freidenrich, Ferguson, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Kercheval, Knox, McCallum, Meyers, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—52.

**NOES**—Messrs. Byers, Clark, Dixon, Fahey, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hill, Hurlburt, Ingham, Klotz, Long, McBride, Miller, Morgan, Murphy, Northcutt, Northup, Peek, Pelham, Simpson, Stowers, Summers, Tinnin, and Williams—25.

#### NOTICE.

Mr. Miller gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, passed Assembly Bill No. 96.

## SPECIAL ORDER.

At one o'clock and forty-five minutes P. M., the Speaker announced the special order to be the consideration of Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

## REPORT.

Mr. Freeman had leave to make the following report, in reference to the pending bill:

MR. SPEAKER: The Committee on Ways and Means, after investigating the matter of the appropriation asked for by the Regents of the University of California, find, from the report of the Secretary of the University, that the average expenditures of that institution, for the last twenty-three months, were five thousand eight hundred dollars per month. The report is made in a manner almost unintelligible, no part of the expenses being itemized; but we have assumed its correctness, having no other means of ascertaining the necessary expenses. We also ascertain, from other sources, that the State Treasurer now holds in trust for the University:

State Capitol bonds, drawing interest at seven per cent per annum.....	\$135,000	
Civil bonds of 1873 (California) six per cent.....	328,000	
	\$463,000	
Add \$150,000 now in the Endowment Fund, that will be invested in California State bonds of 1873 (six per cent), as soon as the Loan Commissioners meet, which will be in a few days.....	150,000	
Total amount of bonds.....	\$613,000	
Interest on above, annually.....		\$38,130

There is now due on account of lands sold, one hundred and twenty thousand dollars, bearing interest at ten per cent per annum, making twelve thousand dollars. There are annual receipts from water rents and other contingencies, of one thousand four hundred and fifty dollars.

Total receipts from bonds—annual interest.....	\$38,130
Total receipts from lands—annual interest.....	12,000
Total receipts from contingencies.....	1,450
Total .....	\$51,580
Total expenditures for the last twenty-three months, at five thousand eight hundred dollars per month, making, for twelve months. ....	69,600
Making a deficit of.....	\$18,020



Or, about one thousand five hundred dollars per month; so that it would require an appropriation of about the last named sum per month to keep up the institution, if the expense is no greater than during the last two years; but, anticipating that the expenses may be somewhat greater than during those two years, owing to the tendency to increase rather than diminish public expenditures, we recommend an appropriation of forty-eight thousand dollars in aid of said University, or two thousand dollars a month; also, the sum of four thousand eight hundred dollars, or two hundred dollars a month, for the support of the Library of the University, making a total of fifty-two thousand eight hundred dollars.

FREEMAN, Chairman.

The House went into Committee of the Whole, for the consideration of the bill.

[Mr. Hurlburt in the chair.]

The bill was considered in Committee of the Whole.

On motion of Mr. Tinnin, the committee arose, reported the bill back, and recommended that certain amendments be adopted, and the bill passed.

#### IN ASSEMBLY.

[Speaker in the chair.]

Amendments recommended by committee to Assembly Bill No. 242, adopted, rules suspended, bill considered engrossed, read a third time, and passed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
February 27th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo.

Also, on this day, passed Senate Bill No. 354—An Act to fix the compensation of the Assessor of San Diego County, and for other purposes.

Also, passed Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco.

Also, that the Senate, this day, receded from Senate amendment to Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 221, above reported, read first and second times, and referred to the San Luis Obispo delegation.

Senate Bill No. 354, above reported, read first and second times, and referred to the San Diego delegation.

## REPORT.

Mr. Hay had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 295—An Act to fix the salaries of certain officers in Mendocino County;

Also, Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff;

Also, Assembly Bill No. 248—An Act fixing the salaries of certain county officers in Inyo County;

Also, Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco;

Also, Assembly Bill No. 314—An Act to confer further powers upon the Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county;

Also, Assembly Bill No. 140—An Act applying certain sections of the Political Code to the County of Fresno;

Also, Assembly Bill No. 298—An Act supplemental and amendatory of an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four;

And that the same were, this twenty-seventh day of February, eighteen hundred and seventy-four, at one o'clock P. M., transmitted to the Governor for his approval.

HAY, Chairman.

## GENERAL FILE RESUMED.

On motion of Mr. Gilmore of El Dorado, the House took up, out of its order, Assembly Bill No. 130—An Act to amend sections thirty-eight hundred and thirty-nine, thirty-eight hundred and forty, thirty-eight hundred and forty-one, thirty-eight hundred and forty-three, thirty-eight hundred and forty-five, thirty-eight hundred and forty-six, thirty-eight hundred and forty-seven, thirty-eight hundred and fifty-four, thirty-eight hundred and fifty-seven, thirty-eight hundred and fifty-eight, thirty-eight hundred and fifty-nine, and for the repeal of section thirty-eight hundred and sixty, of Chapter IX of the Political Code.

Indefinitely postponed.

Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Kercheval in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Coggins, the committee rose, and reported the bill back with an amendment, recommending the adoption of the amendment, and the passage of the bill as amended.

## IN ASSEMBLY.

[Speaker in the chair.]

On a motion of Mr. Cowdery to place Senate Bill No. 114, above reported from Committee of the Whole, at top of the File for to-morrow,

the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Bradley, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Barton, Bowers, Canfield, Cowdery, Dixon, Fahey, Freidenrich, Ferguson, Gilmore of Calaveras, Hay, Hill, Howe, Kercheval, Klotz, Long, McCallum, Miller, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Pelham, Pishon, Stowers, Summers, Swift, Terrill, Winchell, and Mr. Speaker—33.

**NOES**—Messrs. Ables, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Cressler, Davis, Franck, Giffen, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Heald, Higbie, Ingham, Knox, McBride, Meyers, Paulsell, Rea, Rogers, Roush, Russell, Simpers, Tinnin, Tully, Vandall, Venable, Wickware, and Williams—36.

At five o'clock and ten minutes P. M., Mr. Freidenrich moved to adjourn.  
Lost.

Mr. Norton moved to make the bill the special order for Tuesday next, at one o'clock P. M.

Mr. Coggins moved to amend by placing the bill at the head of the file for to-morrow.

On which, the ayes and noes were demanded by Messrs. Coggins, Tinnin, and Williams, and the House refused, by the following vote:

**AYES**—Messrs. Bradley, Bryan, Carter, Chandler, Coggins, Cressler, Davis, Franck, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Hamill, Hammitt, Heald, Hill, Ingham, Kercheval, Knox, Meyers, Northcutt, Paulsell, Rogers, Russell, Simpers, Simpson, Tinnin, Vandall, Venable, Wickware, and Williams—31.

**NOES**—Messrs. Ables, Aldrich, Barton, Bowers, Burt, Byers, Byrnes, Canfield, Clark, Cowdery, Dixon, Fahey, Ferguson, Gilmore of Calaveras, Gurnett, Hay, Higbie, Howe, Klotz, Long, McBride, McCallum, Miller, Murphy, Northup, Norton, Parker, Patterson, Pelham, Rea, Roush, Stowers, Summers, Swift, Terrill, Tully, Winchell, and Mr. Speaker—37.

The bill was made the special order for Tuesday next, at one o'clock P. M.

At five o'clock and thirty-five minutes P. M., on motion of Mr. Swift, and by unanimous consent, the House took a recess until seven o'clock and thirty minutes P. M.

#### EVENING SESSION.

House reassembled at seven o'clock and thirty minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### GENERAL FILE.

Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Read a third time, and passed.

Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Substitute for Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of Los Nietos Collegiate Institute.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Passed on the File.

Assembly Bill No. 231—An Act entitled an Act to transfer certain funds in the County of Kern.

Amended, ordered engrossed, title amended, and passed.

Senate Bill No. 266—An Act concerning the quarterly meetings of the Board of Supervisors of Nevada County.

Read a third time, and passed.

Mr. Hill gave notice that he would, on to-morrow, move a reconsideration of the vote by which Assembly Bill No. 231 was passed.

Assembly Bill No. 270—An Act to provide for the erection of county buildings at the City of Vallejo, in Solano County, and other matters relating thereto.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 310—An Act to fix the fees of the County Surveyor of Sonoma County.

Read a third time, and passed.

Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 355—An Act to authorize the transfer and loan of certain funds in Lake County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 280—An Act to change the road laws of Kern County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 352—An Act for the relief of Asa Howard, and others, of the County of Alameda.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 220—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers, in the County of Stanislaus.

Read a third time, and passed.

Assembly Bill No. 342—An Act ratifying and confirming the action of the City Council of the City of Oakland, and for the relief of W. W. Foote.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 446—An Act concerning lawful and partition fences in the County of Modoc.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 370—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County in certain cases.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 283—An Act to authorize the Mountain View Cemetery Association to issue bonds.

Read a third time, and passed.

Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 192—An Act to provide for the location, construction, and maintenance of public roads in the County of Tulare.

Read a third time, and passed.

Senate Bill No. 279—An Act to amend an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Amended, read a third time, and passed.

Assembly Bill No. 445—An Act to legalize the act of the Board of

Trustees of Susanville School District in borrowing money, and to provide for the payment of the same.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 286—An Act to organize Siskiyou County into one swamp land district.

Indefinitely postponed.

Senate Bill No. 294—An Act to authorize the Board of Supervisors of Merced County to sell and convey the Court House block, and buildings thereon, in the Town of Snelling.

Read a third time, and passed.

Substitute for Senate Bill No. 124—An Act to repeal an Act concerning roads and highways in Tuolumne County.

Indefinitely postponed.

Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society, in the City of Oakland, County of Alameda.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 287—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 148—An Act amendatory of and supplementary to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda.

Substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Rules suspended, bill considered engrossed, read a third time, and passed.

At eight o'clock and thirty-five minutes, on motion of Mr. Tinnin, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, February 28th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## RECONSIDERATION.

Mr. Swift moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill No. 96.

Mr. Norton moved, as an amendment, that the motion to reconsider be indefinitely postponed.

Adopted.

On motion of Mr. Murphy, Assembly Bill No. 96 was ordered immediately transmitted to the Senate.

Mr. Terrill moved to reconsider the vote by which the House, yesterday, passed Assembly Bill No. 231.

On motion of Mr. Freeman, the motion to reconsider was indefinitely postponed.

## LEAVE OF ABSENCE.

Leave of absence, for three days, was granted to Mr. Thomas, and indefinite leave of absence was granted to Mr. Peek.

## PETITIONS.

By Mr. Williams—from citizens of Truckee Valley, Nevada, favoring legislation to prevent the running of sawdust into certain streams.

Referred to the Judiciary Committee.

By Mr. Aldrich—from the Lying-in-Hospital and Foundling Asylum of San Francisco, asking an appropriation.

Referred to the Committee on Ways and Means.

By Mr. Aldrich—from citizens of San Francisco, favoring the passage of a pending bill to make women eligible for educational offices.

Referred to the Committee on Education.

## REPORTS.

Reports were made as follows:

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 457—An Act to organize reclamation districts and create reclamation funds in the County of Butte—beg leave to report that they have had the same under consideration,

and report it back, and recommend that it be returned to the introducer of the same, at his request.

KERCHEVAL, Chairman.

Assembly Bill No. 457, above reported, was withdrawn by its author. By Mr. Welch:

MR. SPEAKER: Your Committee on Public Buildings and Grounds, having, in the discharge of their duties, visited the site of the Napa State Asylum for the Insane, and examined into the affairs and the management of the Board of Directors thereof, beg leave to submit the following report:

We find that, under and by virtue of the provisions of section twenty-one of the Act entitled an Act to provide further accommodations for the insane of the State of California, and to provide a special fund therefor, the Governor did, on the tenth day of April, eighteen hundred and seventy-two, appoint C. H. Swift, G. A. Shurtleff, and E. T. Wilkins, as Commissioners to select a site for the asylum provided for in said Act. Said Commissioners reported to the Governor on the second day of August, eighteen hundred and seventy-two, that they had selected such site, and described the same as being "situated one mile and a half southeast of Napa City, and containing two hundred and eight acres of land, of which about forty acres are bottom land, one hundred and sixty table land, and eight acres of mountain land." This report was approved by the Governor, and Thomas M. Logan, Secretary of the State Board of Health, August twelfth, eighteen hundred and seventy-two.

On the twenty-third day of August, eighteen hundred and seventy-two, the Governor did, in accordance with section five of said Act, appoint J. H. Goodman, C. Hartson, and R. N. Sterling, as Directors, to manage the affairs of said institution, to hold office for two years from the date of their appointment, and J. H. Jewett and J. F. Morse as such Directors, to hold office for the term of four years from the date of their appointment. These Directors met and organized on the thirteenth day of September, eighteen hundred and seventy-two, by electing J. F. Morse as President, J. H. Goodman as Vice President, and W. C. Watson as Treasurer and ex officio Secretary. At this meeting the Directors "resolved to advertise for plans and specifications for an asylum building," and offered premiums of one thousand five hundred dollars for the best plan, one thousand dollars for the second best plan, and five hundred dollars for the third best plan, with the stipulation that the building should be of sufficient capacity to accommodate at least five hundred patients, and should not cost, when completed, an amount exceeding six hundred thousand dollars.

On the sixteenth of January, eighteen hundred and seventy-three, plans were submitted by J. W. Bones, Bugbee & Sons, A. F. Eisen, Wright & Sanders, J. Gasling, Coulette & Johnson, and J. J. Newsom.

On the twenty-third day of January, said plans were examined by the Board of Directors—Governor Booth, and Doctors G. A. Shurtleff and E. T. Wilkins—in accordance with the provisions of section seven of the Act aforesaid, and, on the eleventh day of February, eighteen hundred and seventy-three, the premiums were awarded by the Board, as follows: First premium, to Wright & Sanders; second premium, to Bugbee & Sons; third premium, to A. F. Eisen.



The plan of Wright & Sanders (copies and descriptions of which may be found in the printed report of the Board of Health, pages 78-83,) was officially adopted, and those gentlemen selected as Architects and Superintendents.

As appears from the printed reports of the Directors, page four, "advertisements soon followed for cement, lime, and brick, which resulted in the acceptance of the bids of the Pacific Cement Company for cement, at three dollars and thirty cents per barrel; Cox & Colby, for plain brick, at nine dollars and eighty-seven and a half cents per thousand, and pressed brick at twenty-nine dollars per thousand; and H. K. Knapp, for lime, at one dollar and eighty-five cents per barrel.

"After duly advertising for estimates on the foundation, the contract was made with J. Cochrane, upon the presumption that he would quarry the necessary stone material on the ledge adjacent to the asylum grounds, for the total sum of sixty-four thousand four hundred and forty-four dollars, proper bonds secured, and the work immediately commenced."

In reference to having contracted for the foundation of the whole building, instead of proceeding to erect one section, in accordance with the provisions of sections seven and twenty-three of the Act, the Directors, on page four of their report, make the following statement:

"That, while determined to obey the meaning and direction of the statute under which they are appointed, yet in the contract for the foundation, the demonstrable difference in the outlay and convenience was so much in favor of a contract for the whole foundation, that they determined to allow this much of the work to be done at once. This they did not do, however, until consultation with disinterested architects and builders, as to the general question of economy and convenience in future work." Under the contract above referred to, the foundations of the whole building, including a granite sill course, which has since been added, has been nearly completed, and together with such alterations and additions as have been suggested from time to time as the work progressed, including earthquake bonding, have cost nearly one hundred thousand dollars. Your committee find the work to be well done, with the best of materials and workmanship, reflecting great credit upon both the Directors and their architects, as well as the contractor. We find, also, from the evidence submitted to us, that the Directors have advertised for proposals to complete the superstructure, in two separate contracts, one being for the carpenter work and the work usually coming under that head, and the other being for brick work and the other work usually let under that head; and that, in pursuance of such advertisement, they had submitted to them the following proposals:

## BIDS ON CARPENTER WORK AND MATERIALS.

BY WHOM.	Section 1.	Section 2.	Section 3.
George Middlemiss.....	\$186,900	\$76,250	\$76,250
Thomas Moffat.....	144,650	57,783	57,783
F. L. Taylor.....	140,000	52,500	52,500
Beeby, Robinson & Son.....	137,103	45,000	45,000
Wilcox & Ferguson.....	135,000	60,000	60,000
Wm. Bradford.....	127,746	47,931	47,931
J. C. Gibson.....	118,736	54,983	54,983
Sevain & Hudson.....	114,400	44,450	44,450
A. H. Manson.....	114,000	38,500	38,500
Robert Ewing.....	105,868	45,250	45,250
Thomas H. Day.....	107,000	46,000	46,000
McFadden & Miles.....	102,200	44,850	44,850
C. L. Mayberry.....	92,973	36,985	36,985

## BIDS ON BRICK WORK.

BY WHOM.	Section 1.	Section 2.	Section 3.
Robert Ewing.....	\$113,179	\$43,356	\$43,365
I. G. Seibert.....	115,279	44,325	44,325
John Cox.....	129,154	53,940	53,940
McFadden & Miles.....	132,900	52,154	52,154
McGowen & Butler.....	160,700	57,000	57,000
Jacob Host.....	175,000	75,000	75,000
Charles Murphy.....	195,000	76,500	74,000
J. Cochrane.....	215,747	81,000	79,847

The architects have also submitted a detailed estimate of the entire cost of the building when completed, if done according to the original design; and also the estimated cost of the extras suggested, based, as they say, on proposals already submitted. Of the correctness of the said estimate, your committee are not sufficiently informed to judge with that accuracy that they would wish, but from the evidence in our possession, we are inclined to believe that they are sufficiently low. A copy of said estimates are herewith submitted, together with a statement of the estimated cost of the improvements suggested.

*Detailed estimate of cost of the Napa State Asylum for the Insane—Estimated cost of building as originally contemplated.*

Cost of foundation and basement story complete .....	\$80,000 00	
Mr. Ewing's estimate for laying nine million bricks @ \$8 25.....	74,250 00	
Cox & Colby's contract for making nine million bricks.....	88,875 00	
7,000 barrels of lime @ \$1 85 per barrel.....	12,950 00	
7,000 barrels of cement @ \$3 30 per barrel..	23,100 00	\$279,175 00
Cast and wrought iron work.....	\$25,000 00	
Plumbing and gasfitters' work .....	30,000 00	
Plastering.....	25,000 00	
Painting and glazing.....	25,000 00	
Hoists.....	5,000 00	
Slating and tinsmith work.....	32,000 00	142,000 00
Drains.....	\$7,000 00	
Locks .....	4,000 00	
Flooring @ \$40 per thousand.....	10,000 00	
Granite steps for outside doors.....	6,000 00	
Artificial stone steps.....	6,547 00	
Artificial stone tiling.....	4,000 00	37,547 00
Carpenters' work and material.....		121,278 00
Heating, same as in Stockton.....		20,000 00
Total.....		\$600,000 00

*Detailed statement of difference in cost of the Napa State Asylum for the Insane, arising from the employment in the works of better material, and from other improvements under consideration by the Board of Directors.*

SECTION No. 1.		
Main sewer, cost of excavation and brick work, 800 feet in length.....	\$3,925 00	
Extra cost of manufacture and laying 450,000 pressed brick @ \$36 75.....	16,537 50	
81,812 lbs. of patent earthquake iron bond...	6,825 00	
Extra cost of increasing thickness of corridor and other walls, 500,000 brick at \$23 35 per thousand.....	11,625 00	
Stone work, as per Ewing's tender.....	42,275 00	
Setting stone.....	8,450 00	
Scaffolding for pressed brick.....	2,000 00	
Cast iron nuts.....	450 00	
Galvanized iron cornice, 2,510 feet, at \$4 per foot.....	10,000 00	
		\$102,087 50
Steam seasoning.....	\$6,000 00	
Kiln drying.....	700 00	
Ash flooring, extra cost of 104,000 feet, at \$60 per thousand.....	6,240 00	
Extra cost of laying flooring.....	500 00	
Extra cedar finish.....	7,000 00	
Extra cost of brass gauze, 586 windows, at \$4 50 each.....	2,637 00	
Extra iron bond in foundation.....	4,200 00	
Granite water table and window sills.....	4,500 00	
		31,777 00
		\$133,864 50
Deduct for artificial stone steps calculated in original estimate in Section No. 1.....		3,547 00
Total extra cost of Section No. 1.....		\$130,317 50
SECTIONS NOS. 2 AND 3.		
Extra cost of 250,000 pressed brick.....	\$9,187 50	
Increase in thickness of walls, 400,000 brick.	8,300 00	
Patent earthquake iron bond, 39,673 lbs. at eight cents.....	3,173 84	
Galvanized iron cornice, 1,340 feet, at \$4 per foot .....	5,360 00	
Stone.....	8,116 00	
Setting stone.....	2,175 00	
Scaffolding for pressed brick.....	1,370 00	
Amount carried forward.....	\$37,682 34	

Amount brought forward.....	\$37,682 34	
Cast iron nuts .....	400 00	
Steam seasoning.....	3,500 00	
Kiln drying .....	400 00	
Ash flooring, extra cost, 420,000 feet at \$60..	2,520 00	
Extra cost of laying.....	200 00	
Extra on cedar finish.....	4,000 00	
Iron bond built in foundation.....	2,500 00	
Granite water tables and window sills.....	2,750 00	
Extra cost of gauze in 372 windows at \$4 50 each.....	1,674 00	
		\$55,626 34
Extra cost of Section No. 2.....		\$55,626 34
Extra cost of Section No. 3.....		55,626 34
Total extra cost of Sections 2 and 3.....		\$111,252 68
Deduct for artificial stone steps calculated in original estimate in Sections Nos. 2 and 3.....		3,000 00
Total extra cost in Sections 2 and 3.....		\$108,252 68

The propriety of adopting most of these improvements at this time your committee seriously question.

The people are clamorous for retrenchment and reform, and while under other circumstances we might be inclined to favor most of them, we believe it to be imprudent to adopt them now. The pressed brick, the exterior stone work on front, the galvanized iron cornice, the ash flooring, which will, in the aggregate, amount to about one hundred and fifty thousand dollars, may well be omitted. Selected Puget Sound flooring has answered the purpose in other public buildings: why not in this? The earthquake bonding, which, at the best, is but an experiment, might be omitted, and a saving of over thirteen thousand dollars effected. The increase in the thickness of the corridor, and other interior walls, and the wire gauze in windows, are items demanded for the safety of the building, and comfort of the inmates. Perhaps, too, the cedar finish might be a cheap improvement, when the difference is considered between that and redwood, in point of solidity and durability.

When the fact is taken into consideration that the estimates do not include the cost and expenses of the Directors, the percentage of the architect, nor any of those incidental expenses which are always incurred in the erection of such buildings, it may safely be concluded that the cost of its erection, over and above the estimates, will amount to at least one hundred thousand dollars.

Your committee are informed that the amount realized, and to be realized under the appropriation included in the Act of eighteen hundred and seventy-one and eighteen hundred and seventy-two, before referred to, will not exceed two hundred and thirteen thousand dollars; and we are, therefore, of the opinion that it will require at least from

five hundred thousand dollars to six hundred thousand dollars, in addition to the amount already appropriated, to finish the building in the style originally intended, adding only such extra works herein mentioned as being necessary, and inclose the grounds around the same in a sufficiently substantial manner.

Your committee made a close and scrutinizing examination of the work already done upon said building, including the materials used therein, and find everything, as far as it has advanced, to be of the best quality. The brick, which are made upon the grounds, cannot, in our opinion, be excelled in any part of the State. An abundant supply of the purest water, the source of which is owned by the State, has already been brought upon the grounds. The location is one of the finest that could have been selected, and its choice reflects credit upon the judgment and taste of its locators.

The books and accounts of the Board of Directors appear to be in perfect order, and everything betokens the watchfulness and care of the officers and members, who seem to be honestly and zealously endeavoring to carry on the work intrusted to them with the strictest economy. If they should fail to obtain for the State the greatest amount of accommodation possible for the money expended, we may well attribute it to their lack of knowledge of the building business, rather than to their inattention or neglect. Their zeal to economize has led them, in the opinion of your committee, into the commission of one very grave error, which we feel in duty bound to report to this House. In direct violation of section thirty-two hundred and thirty-two of the Political Code, they have contracted with John Cochrane to erect the foundation of said building, and have advertised for and accepted proposals of E. L. Mayberry and Robert Ewing to complete the superstructure. They have done this knowingly, their attention having been called to this section by the Governor, as well as by private individuals. They excuse their action in this regard upon the plea that this violation of the law was in the interest of the State. This plea, if admitted, amounts to the endowment of this Board of Directors not only with executive, but with legislative and judicial powers. If admitted in this case, where is it to stop? Have not all other Boards, Commissions, and State officers, the right to benefit by the same plea when in any case they choose to violate not only this, but any other law of this State. This doctrine once admitted, what protection have the people against the acts of bad or designing men, if even the best citizens can, unchecked and unchallenged, assume the right to exercise all the functions of the executive, legislative, and judicial powers of the Government?

Your committee cannot close this report without urging upon the attention of this House the pressing necessity which exists for the immediate completion of one section of this building, together with the outbuildings, etc., necessary for the accommodation of at least two hundred patients. The overcrowded state of the asylum at Stockton demands that this be accomplished at as early a day as possible, and your committee would recommend such legislation as will compel this to be done on or before the first day of November next, under penalty.

WELCH, Chairman.

The above report was ordered printed.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collection of taxes:

BRADLEY, Chairman.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress, concerning a home for the Mission Indians in California—beg leave to report the same back, and recommend its passage.

Also, Senate Concurrent Resolution No. 42—relative to furnishing arms to the General Government—respectfully report that they have considered the same, and report the same back, and recommend that it do pass.

FRANCK, Chairman.

By Mr. McCallum:

MR. SPEAKER: The Mendocino delegation, to whom was referred Assembly Bill No. 468, concerning the repeal of special road laws in Mendocino County, beg leave to report the same back, and recommend its passage.

McCALLUM, for Delegation.

By Mr. McBride:

MR. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County—report the same back with an amendment, and recommend its passage as amended.

J. W. McBRIDE, for Delegation.

By Mr. Byers:

MR. SPEAKER: The Plumas and Lassen delegations, to whom was referred Assembly Bill No. 452—An Act to regulate the fees of the Tax Collector in and for Plumas County—have had the same under consideration, and report it back, and recommend its passage.

BYERS, for Delegation.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
February 28th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-sixth day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 357—An Act supplementary to

an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

Also, passed Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

Also, passed Senate Bill No. 107—An Act in relation to homesteads.

Also, passed Senate Bill No. 105—An Act to add at the end of Chapter I, Title I, of Part III of the Penal Code, two new sections.

Also, passed Senate Bill No. 198—An Act to amend section thirty-four hundred and ninety-five of the Political Code.

Also, that the Senate refused to recede from its amendments to Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma—and have appointed as a Committee of Conference, Messrs. Tuttle and McKusick.

Also, refuses to recede from its amendment to Assembly Bill No. 186—An Act to amend section two hundred and fifty-five of the Political Code—and have appointed as a Committee of Conference, Senators McMurry and McCune.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
February 28th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No 51—requesting the Governor to return Senate Bill No. 191.

CRAWFORD,  
Assistant Secretary.

*Resolved by the Senate, the Assembly concurring, That the Governor be and he is hereby requested to return to the Senate enrolled Senate Bill No. 191, for the purpose of correcting a clerical error.*

[Speaker pro tem., Mr. Howe, in the chair.]

#### RESOLUTIONS.

By Mr. Kercheval:

*Resolved, That the Chief Clerk and the Assistant Clerks of this House are hereby authorized to prepare and execute all copying necessary for the printing of the Journal, and to complete and compile the Appendix to said Journal, and to furnish the State Printer with a copy thereof; for which service they shall receive fifteen cents per folio, and the Secretary of State shall estimate and certify the same; upon which certificate the Controller of State is hereby directed to draw his warrant, payable out of the Contingent Fund of the Assembly.*

Referred to the Committee on Rules and Employés.



By Mr. Burt:

WHEREAS, By the provisions of an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and seventy-four, it is provided, among other things, that the State of California shall guarantee and pay the interest upon certain bonds to be issued by the said Central Pacific Railroad Company, upon the express condition that the said railroad company perform certain services for the State, set forth in said Act, and that said railroad company, by deeds of conveyance properly executed and acknowledged, shall convey to the State of California, certain lands in said Act described; and whereas, it appears from the reports of the Controller of State, that the State of California has paid the interest on said bonds issued by the said railroad company, as in said Act provided; therefore, be it

*Resolved*, That a special committee of five members of this House be appointed by the Speaker, whose duty it shall be to investigate the matter, and ascertain whether the conditions imposed by said Act, upon the Central Pacific Railroad Company, have been performed. That said committee be empowered to send for persons and papers.

Adopted.

#### INTRODUCTION OF BILLS.

By Mr. Winchell—An Act to amend section thirty-three hundred and sixty-four of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act relating to license fees in the County of Sierra.

Read first and second times, and referred to the Sierra delegation.

By Mr. Hamill—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tinnin—An Act to amend section thirty-eight hundred and sixty of the Political Code.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Welch—An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Heald—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Read first and second times, and ordered to the File.

By Mr. Ables—An Act to amend sections three thousand eight hundred and forty, three thousand eight hundred and forty-one, three thousand eight hundred and forty-three, three thousand eight hundred and forty-five, three thousand eight hundred and fifty-four, three thousand eight hundred and fifty-eight, and three thousand eight hundred and sixty of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Tully—An Act to authorize the removal of the bodies of cer-

tain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground.

Read first and second times, and ordered on File.

By Mr. Ables—An Act to fix the compensation of certain officers in the County of Marin.

Read first and second times, and referred to the Marin delegation.

By Mr. Simpson—An Act concerning road poll tax for Tehama County.

Read first and second times, and referred to the Tehama delegation.

By Mr. Welch—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County.

Read first and second times, and referred to the Lake County delegation.

By Mr. Russell—An Act to amend an Act entitled an Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved February sixteenth, eighteen hundred and seventy four.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Barton—An Act to provide for the adjusting and payment of the claim of Robert E. Beasley against Swamp Land District Number Fifty-four.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Barton—An Act to regulate freightage and fares on railroads, establish a reasonable maximum of charges, prevent unjust discriminations and extortions, define the rights of passengers, and to regulate the business of all railroad corporations within this State.

Read first and second times, and referred to the Committee on Corporations.

#### GENERAL FILE.

Assembly Bill No. 458—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto.

On motion of Mr. Hay, the bill was taken up out of its order, rules suspended, considered engrossed, read a third time, and passed.

Senate Bill No. 273—An Act to amend section two of an Act entitled an Act to amend section one of an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight, and to provide for the payment thereof, approved March twenty-fifth, eighteen hundred and seventy.

On motion of Mr. Miller, the bill was taken up out of its order, read a third time, and passed.

Assembly Bill No. 361—An Act relating to interest.

Ordered to top of File for Tuesday next.

Assembly Bill No. 466—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Substitute adopted, read a third time, and passed.

Mr. Coggins gave notice that he would, on to-morrow, move to reconsider the vote by which the above bill was passed.

Assembly Bill No. 346—An Act to add certain sections to, amend certain sections of, and repeal certain sections of the Political Code.

Ordered second on the File for Tuesday next.

Senate Bill No. 231—An Act to provide for the establishment of a public library in the City of Los Angeles.

Read a third time, and passed.

Assembly Bill No. 272—An Act to amend the Civil Code, by adding a new section, to be designated section thirteen hundred and thirteen.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### RESOLUTION.

Mr. Hay had leave to introduce the following resolution:

*Resolved*, That the Clerk be instructed to transmit to the Senate, immediately, Assembly Bill No. 458, without engrossment.

Adopted.

Assembly Bill No. 311—An Act to amend an Act entitled an Act to regulate fees of office, approved March twenty-eighth, eighteen hundred and sixty-eight.

Recommitted to the Judiciary Committee.

Assembly Bill No. 243—An Act to prevent drunkenness in public places in the State of California.

Passed on the File.

Assembly Bill No. 335—An Act to amend the Civil Code, relating to the liability of landlords.

Amended, and ordered engrossed.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 241, above reported, Messrs. Dixon, Morgan, and Hill were appointed, on the part of the Assembly, a Committee of Conference.

Assembly Bill No. 186, above reported, Messrs. Williams, Coggins, and Cowdery were appointed, on the part of the Assembly, a Committee of Conference.

Senate Bill No. 357, above reported, read first and second times, and referred to the Napa delegation.

Senate Bill No. 339, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 335, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Bill No. 107, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 105, above reported, read first and second times, and referred to the Committee on State Prison.

Senate Bill No. 198, above reported, read first and second times, and referred to the Judiciary Committee.

On motion of Mr. Ables, Assembly Bill No. 225 was ordered enrolled, out of its order.

## RESOLUTION.

By Mr. Cowdery:

*Resolved*, That Assembly Bill No. 192—An Act to add additional sections to the Political Code—be enrolled, out of its order.

Adopted.

At twelve o'clock M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

At one o'clock P. M. the House reassembled.

Speaker pro tem. in the chair.

Roll called, and a quorum present.

## PETITION.

By Mr. Canfield—from citizens of Tulare County, in regard to a trespass law.

Referred to the Committee on Agriculture.

## INTRODUCTION OF BILL.

By Mr. Canfield (by leave)—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Committee on Agriculture.

On motion of Mr. Cowdery, Assembly Bill No. 335, which was before recess ordered engrossed, was again taken up.

The rules were suspended, bill considered engrossed, read a third time, and passed.

## LEAVE OF ABSENCE.

Leave of absence, for two days, was granted to Mr. Bowers.

## REPORT.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco, together with Senate substitute thereto—have had the same under consideration, and report the bill and substitute back, with the recommendation that the House refuse to concur with the Senate in the passage of the substitute.

SWIFT, Chairman.

Adopted.

Senate Substitute for Assembly Bill No. 201, above reported, adopted, and ordered to be immediately transmitted to the Senate.

Senate Concurrent Resolution No. 39—Asking Congress to establish a mail route in Sonoma County, and Post Office at Donahue, in said county.

Read a third time, and passed.

Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure.

Ordered engrossed.

Assembly Bill No. 334—An Act to amend the Civil Code, relating to liens.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### RESOLUTION.

Mr. Terrill introduced the following:

*Resolved*, That when this House adjourns it adjourns to meet at one o'clock P. M., on Tuesday, the third proximo.

Mr. Murphy moved to amend, by inserting "two o'clock P. M., on Monday, the second proximo."

Amendment adopted, and resolution laid on the table.

#### GENERAL FILE RESUMED.

Senate Bill No. 186—An Act to quiet title to certain lands in Napa and Solano Counties.

Read a third time, and passed.

Assembly Bill No. 306—An Act to amend section thirty-six hundred and seven of the Political Code.

On motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Freeman, Rogers, and Klotz, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Burt, Byers, Canfield, Carter, Coggins, Cowdery, Cressler, Franck, Freidenrich, Giffen, Gray, Hammitt, Higbie, Ingham, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Rea, Rogers, Roush, Simpser, Simpson, Summers, Tully, Welch, Wickware, Williams, and Winchell—32.

**NOES**—Messrs. Ables, Amerman, Barton, Bradley, Byrnes, Chandler, Clark, Davis, Dixon, Fahey, Freeman, Ferguson, Gilmore of Calaveras, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, Morgan, Parker, Patterson, Pelham, Pishon, Russell, Snyder, Swift, Terrill, and Venable—29.

Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Ordered engrossed.

Assembly Bill No. 261—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Ordered to the head of the File for Monday next.

#### REPORT.

Mr. Hay had leave to make the following report:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 192—An Act to add additional sections to the Political Code, relating to costs in criminal cases;

Also, Assembly Bill No. 225—An Act to fix the salary of the School Superintendent of Public Schools of Marin County;

And that the same were, this twenty-eighth day of February, eighteen hundred and seventy-four, at one o'clock and ten minutes P. M., transmitted to the Governor for his approval.

HAY, Chairman.

#### INTRODUCTION OF BILL.

Mr. Higbie had leave to introduce the following:

An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles.

Read first and second times, and ordered on File.

#### GENERAL FILE RESUMED.

Assembly Bill No. 301—An Act to protect agriculture, and to prevent the trespassing of animals in the County of Tehama.

Amended, rules suspended, bill considered engrossed, and, on the passage of the bill, the ayes and noes were demanded by Messrs. Klotz, Tinnin, and McBride, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Amerman, Barton, Bradley, Byrnes, Carter, Clark, Coggins, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Hammitt, Hay, Higbie, Hill, Hurlburt, Ingham, Kercheval, Knox, Long, McCallum, Meyers, Morgan, Northup, Parker, Paulsell, Rea, Rogers, Simpson, Terrill, Tully, Vandall, Venable, Welch, and Wickware—39.

NOES—Messrs. Burt, Byers, Canfield, Davis, Dixon, Fahey, Howe, Klotz, Northcutt, Patterson, Pelham, Pishon, Roush, Russell, Simpers, Snyder, Summers, Tinnin, Williams, and Winchell—20.

#### REPORT.

Mr. Paulsell had leave to make the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County—have considered and amended the same, and ask leave to report it back, and recommend its passage as amended.

MEYERS,  
PAULSELL,  
For Delegation.

Assembly Bill No. 420, above reported, taken up, amendments adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 307—An Act to provide for the payment of interest on Controller's warrants on the Fund of Swamp Land District Number Thirty-eight.

Withdrawn by the author.

Assembly Bill No. 308—An Act for the relief of Joel D. Bailey.

Withdrawn by the author.

Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections. Ordered engrossed.

Assembly Bill No. 282—An Act to amend section one thousand and fifty-two of the Penal Code.

House refused to engross the bill.

Senate Bill No. 211—An Act for the protection of settlers on public lands claimed by the State.

Read a third time, and passed.

#### REPORT.

Mr. Tully had leave to make the following report:

Mr. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 421—An Act supplementary to an Act entitled an Act to create the County of San Benito—have had the same under consideration, and report the same back with an amendment, and recommend its passage as amended.

Also, have considered Assembly Bill No. 320—An Act concerning fees of office of the Sheriff of Monterey County—and report it back, with the recommendation that it do not pass.

TULLY, for Delegation.

Assembly Bill No. 421, above reported, amendment recommended by the delegation adopted, rules suspended, bill read a third time, and passed.

#### GENERAL FILE RESUMED.

Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Tinnin in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Aldrich, the committee arose, and reported the bill back, and recommended its passage as amended.

#### IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Assembly Bill No. 349, above reported from Committee of the Whole, amendments recommended by the committee adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits and between the Yosemite and the Mariposa Big Tree Parks.

Made the special order for Thursday next, at one o'clock P. M.

Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members

thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Made the special order for Wednesday next, at one o'clock P. M.

Senate Bill No. 230—An Act to make women eligible to educational offices.

Made the special order for Friday next, at one o'clock P. M.

At three o'clock P. M., on motion of Mr. Murphy, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, March 2d, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## APPOINTMENT OF COMMITTEE.

The Speaker announced as the special committee to investigate certain alleged railroad abuses, Messrs. Burt, Howe, Coggins, Amerman, and Northcutt.

## LEAVE OF ABSENCE.

Leave of absence for one day was granted to Messrs. Tully and Dixon, and indefinite leave of absence to the members of the Committee on Public Buildings and Grounds.

On motion of Mr. Aldrich, Assembly Bill No. 176—the special order for Tuesday, March third—was taken from the File, and referred to the San Francisco delegation.

The Speaker presented a report from the managers of the San Francisco Protestant Orphan Asylum.

Referred to the Committee on Ways and Means.

## REPORTS.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 378—An Act to restrict gambling—have had the same under consideration, and report the same back, with the recommendation that it do not pass.



By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 47—against granting a further subsidy to the Pacific Mail Steamship Company's line to China—beg leave to report the same back, and recommend that it do pass.

FRANCK, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 172—An Act to provide a system of irrigation.

BRADLEY, Chairman.

By Mr. Paulsell:

Mr. SPEAKER: The Committee on State Hospitals respectfully report that, in accordance with their duties, they visited the Deaf, Dumb, and Blind Asylum, located at Oakland. The building is peculiarly well adapted to the use for which it was intended, and presents a model of neatness and cleanliness. The grounds, kept in good order, present to the eye an attractive appearance. The institution has, as inmates, ninety-six pupils, of both sexes, who, from investigation, report that all the needs in their affliction are complied with. From rumors, and from statements made in the public press, your committee deemed it proper to look carefully into the quantity and quality of food furnished those who are receiving State aid. The following bill of fare will probably satisfy all that wholesome food is furnished, and from ocular observation your committee is satisfied that a sufficient quantity is provided:

**BILL OF FARE—Breakfast**—Sunday—Baked beans and potatoes. Monday—Cakes and sirup, and cold meat. Tuesday—Mackerel and boiled potatoes. Wednesday—Hash. Thursday—Codfish and baked potatoes. Friday—Wet stew and boiled rice. Saturday—Hash; and each morning, coffee, bread, and butter.

**Dinner**—Sunday—Steak, two kinds vegetables, and pie. Monday—Soup and boiled beef, two kinds vegetables. Tuesday—Roast mutton, potatoes, and fruit. Wednesday—Stew and pudding. Thursday—Roast beef and two kinds of vegetables. Friday—Fish, potatoes, and fruit. Saturday—Beans and potatoes.

**Supper**—Sunday—Tomatoes. Monday—Apple sauce. Tuesday—Cookies and dried fruit. Wednesday—Tomatoes. Thursday—Peach sauce. Friday—Gingerbread and dried fruit. Saturday—Cold meat; and each evening, tea, bread, and butter.

The workshops were visited, and though found to be not extensive in size, yet they afforded employment in basket making for the blind, and shoe and cabinet making for the deaf and dumb. As a large number of the pupils are young in age, it is at present impossible to furnish them with employment, so as to make the establishment self-sustaining in any portion; yet the number now employed shows that if not a financial success, the learning of trades to the inmates prepares them to go into the world with means at their command to make a living.

The Directors request that the amount of seventy-two thousand dollars (\$72,000) be allowed for the two fiscal years ending June thirtieth,

eighteen hundred and seventy-five. Your committee recommend the amount asked for, basing the sum upon the estimate that the establishment will contain one hundred and twenty-five (125) pupils.

The education of the inmates is of great importance, and consequently, the committee paid particular attention thereto. Both classes of pupils displayed remarkable proficiency in signs and sounds, and gave evidence that, as far as possible, their education has not been neglected.

The subject of clothing the children by the State was considered, and your committee, after deliberation, concluded to recommend the repeal of that portion of the Code making it compulsory upon the State to clothe all the inmates. Children of parents who are able to furnish clothing for them, do so, and will do so without reference to any State law. Children of parents who are unable to clothe them, will, as we are informed by the Superintendent, be provided for in the amount appropriated (seventy-two thousand dollars).

In conclusion, your committee would state that on two visits made—one in December, eighteen hundred and seventy-three, and the other in January, eighteen hundred and seventy-four—the institution was found to be in perfect condition; and as the visits were made without notice to the Superintendent, or other attachés, no preparations could have been made for the committee's inspection.

PAULSELL, Chairman.

Ordered printed.

By Mr. Gray:

MR. SPEAKER: The Butte and Colusa delegations, to whom was referred Senate Bill No. 232—An Act to amend section three thousand nine hundred and twenty-two of the Political Code—have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, for Delegation.

By Mr. Pelham:

MR. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

PELHAM, for Delegation.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 354—An Act amendatory of and supplementary to an Act approved February tenth, eighteen hundred and seventy, entitled an Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Courts in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty—have had the same under consideration, and report the same back, with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 320—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco—and report it back, with the recommendation that it be indefinitely postponed.

SWIFT, Chairman.

By Mr. Winchell:

Mr. SPEAKER: The Sierra delegation, to whom was referred Assembly Bill No. 477—An Act relating to license fees in the County of Sierra—have had the same under consideration, and beg leave to report it back, and recommend its passage.

WINCHELL,  
For Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 28th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 184—An Act to repeal section fifteen hundred and forty-two of the Political Code.

Also, Assembly Bill No. 253—An Act to repeal all special road laws in the County of Contra Costa.

Also, Assembly Bill No. 180—An Act to fix the salary of the Superintendent of Public Schools of Butte County.

Also, Assembly Bill No. 364—An Act fixing the salary of the County Clerk in the County of Shasta.

Also, Assembly Bill No. 249—An Act concerning official bonds in Mono County.

Also, Assembly Bill No. 365—An Act allowing the Sheriff of Shasta County compensation for the services of Under Sheriff.

Also, Assembly Bill No. 345—An Act to postpone the next charter election of the City of Oakland, and extend the time of officers of said city.

Also, Assembly Bill No. 298—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 140—An Act to apply certain provisions of the Political Code to the County of Fresno.

Also, Assembly Bill No. 314—An Act to confer further powers upon the City Board of Examination of the City and County of San Francisco, and the Board of Education, Auditor, and Treasurer of said city and county.

Also, Assembly Bill No. 248—An Act fixing the salaries of certain county officers of Inyo County.

Also, Assembly Bill No. 295—An Act to fix the salaries of certain officers in Mendocino County.

Also, Assembly Bill No. 171—An Act to provide for the construction of certain wagon roads in the County of Humboldt.

Also, Assembly Bill No. 91—An Act entitled an Act to authorize the closing of certain streets in the City and County of San Francisco.

Also, Assembly Bill No. 139—An Act to amend section four hundred and ninety-six of the Penal Code.

Also, Assembly Bill No. 107—An Act to amend section one hundred and fifteen of the Code of Civil Procedure.

Also, Assembly Bill No. 225—An Act to fix the salary of the Superintendent of Public Schools of Marin County.

Also, Assembly Bill No. 192—An Act to add additional sections to the Political Code.

NEWTON BOOTH,  
Governor.

#### RESOLUTION.

By Mr. Rogers—Concurrent Resolution providing for the relinquishment of a portion of the Presidio reservation for a public park to the City and County of San Francisco.

Read first and second times, rules suspended, considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gray—An Act to repeal section three thousand seven hundred and forty-eight of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Burt—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Read first and second times, and ordered on File.

By Mr. Parker—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Inyo delegation.

By Mr. Parker—An Act concerning the employment of teachers in Inyo and Mono Counties.

Read first and second times, and ordered on the File.

By Mr. Northup—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Cressler—An Act to change the name of a county in this State.

Read first and second times, and ordered on File.

By Mr. Freeman—An Act to reincorporate the Town of Woodland.

Read first and second times, and referred to the Yolo delegation.

By Mr. Russell—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
February 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 353—An Act to regulate the fees of the County Recorder of Santa Clara.

Also, passed Assembly Bill No. 458—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto.

CRAWFORD,  
Assistant Secretary.

#### LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Messrs. Hamill, Rea, and Wickware, and for two days, to Mr. Murphy.

#### RECONSIDERATION.

Pursuant to notice, on motion of Mr. Coggins, the House reconsidered the vote by which, on Saturday last, the House passed Substitute for Senate Bill No. 250—An Act to protect the County Treasuries of certain counties—and the bill was recommitted to the Committee on Ways and Means.

#### GENERAL FILE.

Assembly Bill No. 261—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Substitute adopted, and ordered engrossed.

Assembly Bill No. 243—An Act to prevent drunkenness in public places in the State of California.

Passed on File.

Senate Bill No. 248—An Act granting leave of absence to Abraham Powell, Supervisor for the First Supervisor District of the County of Solano.

The House refused to pass the bill

Senate Concurrent Resolution No. 43—Asking Congress to declare the meaning of the joint resolution of June twenty-eighth, eighteen hundred and seventy, in reference to the reserves for a land grant to the Southern Pacific Railroad Company of California, and to restore certain lands to the public domain.

Read a third time, and passed.

Assembly Bill No. 264—An Act to amend section twenty-nine hundred and fifty-five of the Civil Code.

Amended, and ordered engrossed.

Senate Bill No. 140—An Act granting additional powers to the Loan Commissioners, constituted by an Act approved April second, eighteen hundred and seventy.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

On motion of Mr. Estee, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 140, above reported from the Committee of the Whole, was read a third time, and passed.

Senate Bill No. 277—An Act to amend section four hundred and sixty-six of the Penal Code.

Read a third time, and passed.

Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Ordered engrossed.

Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure.

Amended, and ordered engrossed.

Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.

Substitute adopted, and ordered engrossed.

Assembly Bill No. 189—An Act relating to the apprenticeship of minors and dissolute persons, and defining the relations between master and servant.

Passed on the File.

Assembly Bill No. 181—An Act to repeal section five hundred and fifteen of the Political Code.

House refused to engross the bill.

Senate Bill No. 76—An Act for the relief of A. A. Bennett, architect of the State Armory and Governor's Mansion.

Passed on the File.

Assembly Concurrent Resolution No. 39—To abolish tariff on quick-silver.

Ordered engrossed.

Assembly Bill No. 382—An Act to prohibit the feeding of milch cows on still slops, and the sale of milk from cows fed on still slops, and from sick or diseased cows.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Concurrent Resolution No. 33—relative to procuring donation from the General Government of certain big tree groves.

The House refused to engross the bill.

Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Consideration deferred until one o'clock P. M., to-day.

Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court.

Recommitted to the Judiciary Committee.

Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

Pending the consideration of the bill, at twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced the special order to be the consideration of Assembly Bill No. 147, which, on motion of Mr. Tinnin, was deferred until after the House shall have disposed of Senate Bill No. 137—An Act

to amend section thirty-three hundred and eighty-two of the Political Code.

Amended, and on the passage of the bill as amended, the ayes and noes were demanded by Messrs. Cowdery, Tinnin, and Amerman, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McCallum, Miller, Morgan, Northcutt, Northup, Patterson, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Williams, and Winchell—52.

**NOES**—Messrs. Aldrich, Cowdery, Escandon, Parker, Rogers, Swift, Vandall, Venable, and Mr. Speaker—9.

The House resumed consideration of Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Amended, and ordered engrossed.

#### REPORT.

Mr. Hay had leave to make the following report:

**MR. SPEAKER:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same;

Also, Assembly Concurrent Resolution No. 27—relative to the survey of the mountain grazing lands of this State;

Also, Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriff of the Counties of Inyo and Alpine, and of the Constables within said county;

Also, Substitute for Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurer of Fresno County, California;

Also, Assembly Bill No. 116—An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases;

Also, Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry Cowell and others, to lay down and maintain water pipes in the Town of Santa Cruz;

Also, Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt;

Also, Assembly Bill No. 290—An Act to prevent stallions from running at large in the County of Mono;

Also, Assembly Bill No. 353—An Act to regulate the fees of the County Recorder of Santa Clara County;

Also, Assembly Bill No. 458—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto;

And that the same were, this second day of March, eighteen hundred

and seventy-four, at two o'clock and forty minutes P. M., delivered to the Governor, for his approval.

HAY, Chairman.

Mr. Howe gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, passed Senate Bill No. 137.

#### GENERAL FILE RESUMED.

Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

Passed on File.

Assembly Bill No. 347—An Act to provide for the payment or funding of certain Controller's warrants drawn upon Swamp Land Funds.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, and, on motion of Mr. Freeman, the committee arose, reported the bill back, and recommended that it be indefinitely postponed.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 347, above reported from Committee of the Whole, was indefinitely postponed.

Assembly Bill No. 300—An Act to amend section three thousand four hundred and forty-two of the Political Code.

Withdrawn by the author.

Assembly Bill No. 299—An Act to amend section three thousand four hundred and forty-three of the Political Code.

Withdrawn by the author.

Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California.

Ordered engrossed.

Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

Made the special order for Wednesday next, at two o'clock P. M.

#### INTRODUCTION OF BILL.

Mr. Stowers had leave to introduce the following bill: An Act to provide the Superintendent of Public Instruction with a Secretary.

Read first and second times, and referred to Committee on Education.

#### GENERAL FILE RESUMED.

Assembly Bill No. 213—An Act to repeal an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Amended, and ordered engrossed.

Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code.

Passed on the File.



Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole.

On motion of Mr. Swift, the committee arose, reported the bill back, and recommended its passage as amended.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 53, above reported from Committee of the Whole, was amended as recommended, further amended, and ordered engrossed.

On motion of Mr. Rogers, Assembly Bill No. 354, reported to the House this morning, was re-referred to the San Francisco delegation.

At four o'clock and twelve minutes P. M., Mr. Ingham moved to adjourn.  
Lost.

Mr. Cowdery moved that the Senate be requested to return to this House Senate Bill No. 137, which was passed to-day.

Lost.

At four o'clock and twenty-one minutes P. M., on motion of Mr. Snyder, the House adjourned.

D. T. LOOFBOURBOW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

#### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, March 3d, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITION.

By Mr. Winchell—from citizens of Plumas County, asking that Plumas and Lassen be set off from the Second Judicial District, and that said counties and the County of Modoc be organized into a judicial district.

Referred to the Judiciary Committee.

#### REPORTS.

By Mr. Ables:

Mr. SPEAKER: The State Prison Committee, to whom was referred Assembly Bill No. 216—An Act to provide for utilizing the labor of convicts in the State Prison of this State;

Also, Assembly Bill No. 204—An Act prohibiting private contracts for convict labor in the State Prison;

Have had the same under consideration, and report them back, and recommend that they do not pass.

ABLES, Chairman.

By Mr. Gray:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin—have had the same under consideration, and report back a substitute, with the recommendation that the substitute pass.

Also, Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California—report the same back, and recommend its passage.

GRAY, Chairman.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred the memorial of the Masters of Granges of Los Angeles and San Bernardino Counties, have had the same under consideration. Said memorialists state that they represent the farming interests of Southern California, and make complaint that the Southern California District Agricultural Association has devoted almost its entire energies to horse-racing and pool-selling, and that the interests of agriculture are ignored; and said memorialists state further, that a new society, under the name and style of the "Agricultural and Mechanical Exposition of Southern California," has been incorporated, with a capital stock of fifty thousand dollars; its principal place of business, Los Angeles. The memorialists also state that the erection of suitable buildings, and the improvement of grounds, will necessitate heavy outlays, and respectfully ask that the State grant an appropriation for the use of said society; on all of which your committee beg leave to report: first, we cannot yet tell whether the State will make any appropriations for the benefit of agriculture and mechanical societies; and second, that in case any such appropriations are voted, the delegations from Los Angeles and San Bernardino can decide more intelligently and properly to which of the contending societies it should go, than the Committee on Agriculture; wherefore, we would recommend that the memorial and the whole subject matter be referred to said delegations.

MEYERS, Chairman.

The memorial, above reported, was referred to the Los Angeles and San Bernardino delegations.

By Mr. Higbie:

Mr. SPEAKER: The Committee on Education have had under consideration Senate Bill No. 56—to repeal, alter, and add to certain sections of the Political Code—report the same back with amendments, and recommend its passage as amended.

HIGBIE, for Committee.

By Mr. Paulsell:

Mr. SPEAKER: The Committee on State Hospitals, to whom was referred Assembly Bill No. 416—An Act in relation to the practice of

dentistry—have considered and amended the same, and report it back, and recommend its passage as amended.

PAULSELL, Chairman.

Also, by the same:

Mr. SPEAKER: The Committee on State Hospitals, to whom was referred Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts—have carefully considered and amended the same, and report it back, and recommend its passage as amended.

PAULSELL, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 236—An Act to quiet titles to certain lands in Yolo County—report it back, and recommend its passage.

Also, Assembly Bill No. 206—An Act to abolish capital punishment—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 63—An Act for the relief of William Pyburne—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 256—An Act to regulate the price of quicksilver in this State—report it back and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators—report it back, with the recommendation that it do not pass.

WILLIAMS, Chairman.

By Mr. Venable:

Mr. SPEAKER: The Committee on Irrigation, to whom was referred Assembly Bill No. 165—have had the same under consideration, and beg leave to report it back, with a substitute therefor, and recommend the passage of the substitute.

VENABLE, Chairman.

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State—have had the same under consideration, and report it back, with the recommendation that it do pass.

Also, have considered Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature—and report the same back with amendments, and recommend its passage as amended.

Also, have considered Senate Bill No. 245—An Act for the relief of George W. Branch—and report the same back, and recommend its passage.

TINNIN, Chairman.

#### RESOLUTION.

Mr. Williams had leave to introduce the following resolution:

*Resolved, That the Engrossing Clerk be authorized to correct a cleri-*

cal error in Assembly Bill No. 288, so as to read "Code of Civil Procedure" instead of "Political Code."

Adopted.

# REPORTS.

Reports were made as follows:

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means have had under consideration Senate Bill No. 250—An Act to protect the County Treasuries of certain counties—and also the substitute adopted by the House, and report them back with a substitute for both, with the recommendation that the last substitute pass.

Also, Assembly Bills Nos. 79 and 84, with the recommendation that they do not pass.

Also, Assembly Bills Nos. 389 and 423, and recommend their passage.

Also, a bill making appropriations for deficiencies for various purposes, and recommend its passage.

FREEMAN, Chairman.

The bill last above reported, making appropriations for deficiencies, was read first and second times, and ordered on File.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

Also, Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding thereto a section, to be designated as section twelve hundred and seventy-nine.

Also, Assembly Concurrent Resolution No. 34—relative to an increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five.

Also, Assembly Bill No. 199—An Act in relation to swamp and overflowed lands of this State.

Also, Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Also, Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

Also, Assembly Bill No. 336—An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes.

Also, Assembly Bill No. 362—An Act concerning railroad tickets in this State.

Also, Assembly Bill No. 242—An Act making appropriations for the support of the Government of the State of California, for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Also, Assembly Bill No. 149—An Act amendatory of and supplement-

ary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of Los Nietos Collegiate Institute.

Also, Assembly Bill No. 270—An Act to provide for the erection of county buildings at the City of Vallejo, in Solano County, and other matters relating thereto.

Also, Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano.

Also, Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Also, Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen.

Also, Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

BRADLEY, Chairman.

By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 46—in relation to mail service between San Diego and Julian mining district—beg leave to report that they have considered the same, report it back, and recommend its passage.

FRANCK, Chairman.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly resolution—that the Copying Clerks be allowed to appoint two additional assistant clerks, at the same per diem as is allowed other assistant clerks of the Assembly—have had the same under consideration, and beg leave to report that five or six days ago, when the above resolution was introduced into the House, your committee made the proper inquiries, and found that from two hundred to two hundred and fifty uncopied folios were then on hand, and made up their minds that an increase of force in the Copying Clerks' department was not urgent. On yesterday we were again reminded that additional assistance was needed, and on demand by us for such showing as would make the assistance called for apparent, we received a statement from the two Chief Copying Clerks that there was received by them to be copied, from February twenty-fifth, inclusive, to March second, noon, two hundred and sixty-two folios, making apparent the fact that these toiling clerks had copied about sixteen folios per day—rather under than over. From which, your committee is satisfied that no additional assistance is now necessary. We recommend that the resolution do not pass, and would also recommend to the force now employed, an increase of diligence in the honest discharge of their duties.

SAMUEL MEYERS,  
Chairman.

The resolution above reported back by the committee reads as follows:

*Resolved*, That the Copying Clerks of the Assembly be allowed to appoint two additional Assistant Clerks, at the same per diem as is allowed other Assistant Clerks of the Assembly.

Lost.

By Mr. Escandon:

Mr. SPEAKER: The San Luis Obispo delegation, to whom was referred Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo—beg leave to report the same back, and recommend its passage.

ESCANDON, for Delegation.

By Mr. Parker:

Mr. SPEAKER: The Inyo delegation, to whom was referred Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four—beg leave to report the same back, and recommend its passage.

PARKER, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 2d, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 191—An Act to provide for the protection of lands from overflow in the County of Yuba.

NEWTON BOOTH,  
Governor.

#### RESOLUTIONS. ,

By Mr. Miller:

WHEREAS, The law hitherto in force defining legal distances from Inyo County, erroneously placed the distance from the county seat of said county to Sacramento, at three hundred and seventy miles; and whereas, in fact, and by a recent law enacted by this Legislature, said distance is fixed at four hundred and sixty-five miles; and whereas, in computing mileage, the representative from Inyo (Mr. Parker) was allowed for the former distance only; therefore, be it

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the amount of twenty-eight dollars and fifty cents, in favor of Mr. Parker, and the Treasurer is hereby directed to pay the same.

Adopted.

By Mr. Gilmore of Calaveras:

*Resolved*, That Miss Annie Shearer is hereby authorized to prepare and execute all copying necessary for the printing of the Journal, and to complete and compile the Appendix to said Journal, and to furnish the State Printer with a copy thereof; for which service she shall receive eight cents per folio; and the Secretary shall estimate and certify the same upon each certificate. The Controller of State is hereby directed to draw his warrants, payable out of the Contingent Fund of the Assembly; *provided*, that good and sufficient bonds be given for the performance of the work in a neat and correct manner, and in a reasonable length of time.

Referred to the Committee on Rules and Employés.

By Mr. Bradley:

*Resolved*, That the Engrossing Clerk be authorized to employ two more assistants, to be paid the same per diem as other Engrossing Clerks, out of the Contingent Fund of the Assembly.

Referred to the Committee on Rules and Employés.

By Mr. Coggins:

*Resolved*, That the Committee on Ways and Means be requested to furnish this Assembly, at the earliest day practicable, with a statement of the amount of the various appropriation bills that have been approved this session; also, the amount required by the General Appropriation Bill; also, that they be requested to keep a daily record of all appropriation bills as they are approved.

Adopted.

#### PETITION.

The Speaker presented a petition from the Board of Supervisors of San Luis Obispo County, relative to Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo County—which was read and referred to the San Luis Obispo delegation.

#### REPORT.

Mr. Freeman had leave to make the following report:

Mr. SPEAKER: The Yolo delegation have had under consideration Assembly Bill No. 498—An Act to reincorporate the Town of Woodland—report the same back, and recommend its passage.

FREEMAN, for Delegation.

Assembly Bill No. 498, above reported, was taken up out of its order, rules suspended, bill considered engrossed, read a third time, and passed.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 2d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of February, A. D. eighteen hundred and seventy-four, adopted Assembly Concurrent Resolution No. 47—to furnish the California Immigrant Union with official reports.

Also, on this day, passed Assembly Concurrent Resolution No. 49—providing for the relinquishment of a portion of the Presidio Reservation for a public park, to the City and County of San Francisco.

Also, concurred in the Assembly amendments to Senate Bills Nos. 279 and 137.

Also, I am directed to return to your honorable body Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof—with the request that the same be reengrossed, in accordance with the indorsements on the bill.

Also, on this day, adopted Senate Concurrent Resolution No. 52—relative to enrolling Senate Bill No. 279, out of its order.

Also, that the Senate refuses to recede from its amendment to Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco—and have appointed as a Committee of Conference Senators Bartlett, Pendegast, and De Haven.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 3d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-seventh day of February, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Also, on yesterday, passed Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section, to be known as section four thousand and forty-seven.

Also, passed Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Assembly Concurrent Resolution No. 47, above reported, Senate amendments concurred in.

Senate Concurrent Resolution No. 52, above reported, read a third time, and adopted.



Senate Bill No. 311, above reported, read first and second times, and referred to the Mariposa delegation.

Senate Bill No. 236, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hill—An Act to add two additional sections to the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Burt—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Read first and second times, and ordered on File.

By Mr. Escandon—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Read first and second times, and ordered on File.

By Mr. Ferguson—An Act to authorize the Board of Supervisors of Fresno County to extend the time for the completion of certain improvements.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Gray—An Act concerning roads in the County of Butte.

Read first and second times, and ordered on File.

On motion of Mr. Vandall, Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission—was ordered engrossed out of its order.

On motion of Mr. Higbie, Senate Bill No. 56, reported by the Committee on Education, this morning, was taken up out of its order, amendments recommended by the committee adopted, and the bill ordered copied and printed out of its order.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced the following as members, on the part of the Assembly, of a Committee of Conference on the vote by which the House refused to concur in Senate Substitute for Assembly Bill No. 201, viz: Messrs. Swift, Hamill, and Cowdery.

#### GENERAL FILE.

Assembly Bill No. 361—An Act relating to interest.

Refused engrossment.

Assembly Bill No. 346—An Act to add certain sections to, amend certain sections of, and repeal certain sections of the Political Code.

Passed on the File.

Assembly Bill No. 172—An Act providing for a general system of canals for irrigation, agriculture, and other purposes.

Made the special order for Thursday next, at two o'clock p. m.

Assembly Bill No. 243—An Act to prevent drunkenness in public places in the State of California.

Pending the consideration of the bill, at twelve o'clock m., the House took a recess until one o'clock p. m.

## REASSEMBLED.

House reassembled at one o'clock P. M.  
 Speaker pro tem., Mr. Howe, in the chair.  
 Roll called, and a quorum present.

## MOTIONS.

On motion of Mr. Gray, the usual number of copies of Assembly Bill No. 506 were ordered printed.

On motion of Mr. Tully, Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands—was made the special order for Tuesday next, at one o'clock P. M.

## SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

Mr. Coggins proposed the following amendment: Add to section two, after the words "draw his warrants," the following: "*provided*, that the Controller shall not draw his warrant in favor of any of the parties herein mentioned, until the accounts or claims passed by the Board of Examiners, as mentioned in section one of this Act, have been audited, approved, and allowed by the Controller, in accordance with the provisions of section five hundred and thirty-six of the Political Code, and he may refuse to allow any part of said accounts or claims, which he may be satisfied is not a legal charge against the State;" on the adoption of which, the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Williams, and the House refused, by the following vote:

• **AYES**—Messrs. Bradley, Burt, Clark, Coggins, Cressler, Dixon, Franck, Freeman, Gilmore of El Dorado, Hamill, Hammitt, Heald, Hill, Ingham, Kercheval, Meyers, Morgan, Northcutt, Paulsell, Peek, Pelham, Rea, Simpers, Vandall, Wickware, and Williams—26.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Byers, Canfield, Cowdery, Davis, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hay, Higbie, Howe, Hurlburt, Klotz, Knox, Long, McCallum, Miller, Northup, Norton, Parker, Patterson, Pishon, Rogers, Roush, Russell, Snyder, Stowers, Summers, Swift, Venable, Winchell, and Mr. Speaker—39.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Vandall, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Byers, Canfield, Cowdery, Davis, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hay, Howe, Hurlburt, Klotz, Long, McCallum, Miller, Northcutt, Northup, Norton, Parker, Patterson, Pishon, Rogers, Roush, Russell, Snyder, Stowers, Summers, Swift, Vandall, Venable, Winchell, and Mr. Speaker—40.

**NOES**—Messrs. Bradley, Burt, Clark, Coggins, Cressler, Dixon, Franck, Gilmore of El Dorado, Hamill, Hammitt, Heald, Higbie, Hill, Ingham,

Kercheval, Knox, Meyers, Morgan, Paulsell, Peek, Pelham, Rea, Simpers, Wickware, and Williams—25.

Mr. Vandall gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, passed the above bill.

At four o'clock and twenty-six minutes p. m., Mr. Freidenrich moved to adjourn, on which motion the ayes and noes were demanded by Messrs. Tinnin, Cowdery, and Williams, and the House refused, by the following vote:

AYES—Messrs. Amerman, Byers, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gurnett, Hay, Hill, Klotz, Long, Roush, Snyder, and Summers—15.

NOES—Messrs. Ables, Aldrich, Bowers, Bradley, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Franck, Freeman, Ferguson, Gray, Hamill, Hammitt, Heald, Higbie, Howe, Hurlburt, Ingham, Kercheval, Knox, McCallum, Miller, Morgan, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpers, Stowers, Swift, Tinnin, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—51.

#### RECONSIDERATION.

Mr. Cowdery, pursuant to notice, moved to reconsider the vote by which the House, yesterday, passed Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code.

Mr. Amerman moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Vandall, Cowdery, and Cressler, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bradley, Burt, Carter, Chandler, Coggins, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Hammitt, Hay, Heald, Hurlburt, Long, McCallum, Northcutt, Northup, Patterson, Paulsell, Pelham, Pishon, Rea, Snyder, Stowers, Summers, and Winchell—27.

NOES—Messrs. Ables, Aldrich, Bowers, Byers, Canfield, Clark, Cowdery, Cressler, Davis, Dixon, Gilmore of El Dorado, Gurnett, Higbie, Hill, Howe, Ingham, Kercheval, Klotz, Knox, Meyers, Miller, Morgan, Norton, Parker, Peek, Rogers, Russell, Simpers, Swift, Vandall, Venable, Wickware, Williams, and Mr. Speaker—34.

The motion to reconsider was adopted.

Mr. Cowdery had leave to introduce the following resolution:

*Resolved*, That the Senate be requested to return to this House Senate Bill No. 137, this House having reconsidered the action by which it was passed.

Adopted.

On motion of Mr. Hurlburt, Senate Bill No. 289—An Act to amend section twenty-two hundred and forty of the Political Code—was taken from the File, and referred to the Judiciary Committee.

## REPORT.

Mr. Bradley had leave to make the following report:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 96—An Act to define the Senatorial and Assembly districts of this State, and to apportion the representation thereof.

Also, Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

Both of the above bills having been ordered engrossed out of their regular order.

BRADLEY, Chairman.

## MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
March 3d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the second day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the County of Monterey.

Also, passed Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

Also, on this day, concurred in and adopted the report of the Conference Committee, on the disagreeing vote on Assembly Bill No. 201—An Act concerning certain lands belonging to the City and County of San Francisco.

CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 219, above reported, was read first and second times, and referred to the Committee on Public Lands.

Senate Bill No. 365, above reported, read first and second times, and referred to the Monterey delegation.

At four o'clock and forty-five minutes P. M., on motion of Mr. Summers, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, March 4th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Tully.

## PETITIONS.

The Speaker presented a petition from citizens of San Francisco—relative to railroad competition.

Referred to the Committee on Corporations.

By Mr. Ferguson, from citizens of Mariposa County—relative to the subject embraced in Senate Bill No. 311.

Referred to the Mariposa delegation.

## RESOLUTION.

By Mr. Meyers:

*Resolved*, That C. H. King, Chief Engrossing Clerk, is hereby authorized and required to have engrossed, as soon as possible, bills not to exceed three hundred folios, by other parties than those now employed in his office, at a rate not to exceed eighteen cents per folio, and that he report to the Committee on Rules and Employés, the numbers of the bills so engrossed, by whom the work was done, and the amount done by each person.

Adopted.

## REPORTS.

By Mr. Swift:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 447—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed the twenty-second of April, one thousand eight hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two—have had the same under consideration, and respectfully beg leave to report it back, with the recommendation that it pass.

Also, Assembly Bill No. 304—An Act to regulate rates of charges on telegraph lines in this State—was had under consideration, and is respectfully reported back, with the recommendation that it do not pass.

Also, Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two—was had under consideration, and is hereby reported back, with the recommendation that it pass.

SWIFT, Chairman.

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite grant—have had the same under consideration, and report it back, with the recommendation that it pass.

GRAY, Chairman.

By Mr. Aldrich:

MR. SPEAKER: The Committee on Commerce and Navigation beg leave to report on the following bills that have been referred to them:

Assembly Bill No. 438—An Act to authorize Maurice Dore, John A. Tumey, George S. Wright, Henry Wetherby, and J. M. McNulty, their associates and assigns, to repair, renew, extend, construct, and maintain Meiggs Wharf—your committee would report that said wharf is within the jurisdiction of the State Harbor Commissioners, and as such legislation would be an interference with their duties, they therefore recommend that it do not pass.

Also, Assembly Bill No. 399—An Act to authorize J. E. Ryan, W. J. Ryan, and others, to build a wharf at San Pedro Point, Los Angeles County—your committee would report that existing laws authorize the Boards of Supervisors of counties to grant such privileges, and they believe, in this case, the matter should be left with them; they therefore recommend that it do not pass.

Also, Assembly Bill No. 310—An Act to amend sections twenty-four hundred and thirty, twenty-four hundred and forty, twenty-four hundred and forty-seven, twenty-four hundred and fifty-seven, twenty-four hundred and fifty-eight, twenty-four hundred and sixty-four, twenty-four hundred and sixty-five, twenty-four hundred and sixty-six, twenty-four hundred and sixty-seven, and twenty-four hundred and sixty-eight of the Political Code—your committee report the same back, and recommend that it be returned to the introducer, in accordance with his request.

ALDRICH, Chairman.

Assembly Bill No. 310, above reported, was withdrawn by the author.  
By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 294—An Act to amend section three thousand five hundred and seventy-three of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 239—An Act to furnish Justices of the Peace with copies of the Codes—report it back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure—report it back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—to add a new section thereto, to be known as section four thousand and forty-seven—report it back, and recommend its passage.

Also, Senate Bill No. 289—An Act to amend section two thousand

two hundred and forty of the Political Code—report it back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles—report it back, and recommend its passage.

Also, Assembly Bill No. 492—An Act to repeal section three thousand seven hundred and forty-eight of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 450—An Act providing for the manner of satisfying mortgage and other liens of record—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 379—An Act to amend section six hundred and sixty-seven of the Code of Civil Procedure—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 449—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure—report it back with the recommendation that it do not pass.

Also, Assembly Bill No. 384—An Act to amend section three thousand six hundred and forty-four of the Political Code—report it back, and recommend that it be referred to the Committee on Ways and Means.

Also, Assembly Bill No. 309—An Act to amend the Civil Code relative to Inspector of Gas Pipes and Meters—report it back, and recommend that it be referred to the Committee on Corporations.

Also, Assembly Bill No. 267—An Act to amend the Political Code—report it back, and recommend that it be referred to the Committee on Corporations.

Also, Senate Bill No. 181—An Act for the relief of Adolphe E. Servatius—report it back, and recommend its passage.

WILLIAMS, Chairman.

Assembly Bill No. 384, above reported, referred to the Committee on Ways and Means.

Assembly Bill No. 309, above reported, referred to the Committee on Corporations.

Assembly Bill No. 267, above reported, referred to the Committee on Corporations.

By Mr. Venable:

MR. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

VENABLE, for Delegation.

By Mr. Summers:

MR. SPEAKER: Your committee to whom was referred the matter of investigating the charges of bribery and corruption made against certain members of your honorable body, in connection with the late United States Senatorial contest, respectfully report that the testimony given before them in said matter has been taken down and transcribed by a phonographic reporter, and is now closed; and they would recommend

that the testimony be ordered printed from the transcript of the reporter, the committee requiring time to examine the testimony before submitting their final report.

JAS. W. SUMMERS, Chairman.

Mr. Norton had leave to introduce the following resolution:

*Resolved*, That nine hundred and sixty copies, in pamphlet form, of the testimony taken before the Bribery Investigating Committee of this House, be printed.

Mr. Vandall moved to indefinitely postpone the resolution, upon which the ayes and noes were demanded by Messrs. Cowdery, Tinnin, and Howe, and the House refused, by the following vote:

AYES—Messrs. Dixon, Fahey, Hammitt, Howe, Northcutt, Parker, Pelham, Vandall, Welch, and Wickware—10.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Escandon, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Heald, Higbie, Hurlburt, Ingham, Kercheval, Klotz, Long, McCallum, Meyers, Morgan, Northup, Norton, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Venable, Williams, and Mr. Speaker—58.

The resolution was adopted.

Mr. Morgan, by request, was relieved from serving on the Committee of Conference on Assembly Bill No. 241, and Mr. Wright was appointed in his stead.

#### REPORT.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland.

Also, Assembly Bill No. 355—An Act to authorize the transfer and loan of certain funds in Lake County.

Also, Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno.

Also, Assembly Bill No. 280—An Act to change the road laws of Kern County.

Also, Assembly Bill No. 352—An Act for the relief of Asa Howard and others, of the County of Alameda.

Also, Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County.

Also, Assembly Bill No. 342—An Act ratifying and confirming the action of the City Council of the City of Oakland, and for the relief of W. W. Foote.

Also, Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County.

Also, Assembly Bill No. 446—An Act concerning lawful and partition fences in the County of Modoc.

Also, Assembly Bill No. 370—An Act to amend an Act entitled an Act



regulating proceedings in Courts of record of Nevada County, in certain cases.

Also, Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Also, Assembly Bill No. 445—An Act to legalize the Act of the Board of Trustees of Susanville School District in borrowing moneys, and to provide for the payment of the same.

BRADLEY, Chairman.

#### RECONSIDERATION.

Pursuant to notice, Mr. Swift moved to reconsider the vote by which the House, on yesterday, passed Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

Mr. Norton moved to indefinitely postpone the motion to reconsider, on which motion the ayes and noes were demanded by Messrs. Coggins, Williams, and Bryan, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Byers, Canfield, Cowdery, Cressler, Davis, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hay, Higbie, Howe, Hurlburt, Klotz, Long, McCallum, Miller, Northcutt, Northup, Norton, Parker, Patterson, Pishon, Rogers, Roush, Snyder, Stowers, Summers, Swift, Terrill, and Mr. Speaker—38.

NOES—Messrs. Bradley, Bryan, Burt, Byrnes, Carter, Chandler, Clark, Coggins, Dixon, Franck, Gilmore of El Dorado, Hamill, Hammitt, Hill, Ingham, Kercheval, Meyers, Morgan, Paulsell, Peek, Pelham, Rea, Russell, Simpers, Tinnin, Vandall, Welch, Wickware, and Williams—29.

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The Speaker announced as the special order, consideration of Assembly Bill No. 102, which was, by unanimous consent, deferred until after the regular order of business was disposed of.

#### REPORTS.

Mr. Welch had leave to make the following report:

MR. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County—beg leave to report the same back, and recommend its passage.

WELCH, for Delegation.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The Joint Committee of Conference appointed by the Senate and Assembly to consider of the disagreement between the two

Houses upon the Senate Substitute to Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco—have met and considered of the matter referred to them, and beg leave to make the following report: That they have agreed to an amendment to said Senate substitute, as follows: To strike out all of section one of the substitute as it passed the Senate, after the word "regulate," on page three, line eight, and insert instead thereof the following words: "And manage the same by ordinance, or otherwise; *provided*, that said city and county shall have no power to donate, sell, or in any manner to alienate said lands, or any part thereof, otherwise than by lease, for a period not to exceed five years;" which amendment, as adopted, they recommend the House to adopt, and that the substitute as amended do pass.

SWIFT,  
COWDERY,  
HAMILL.

The report was adopted, as also the recommended amendment to Assembly Bill No. 201.

Mr. Snyder had leave to make the following report:

Mr. SPEAKER: The Mariposa delegation, to whom was referred Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes—beg leave to report the same back, and recommend its passage.

SNYDER, for Delegation.

The report was accompanied by a communication from citizens of Mariposa County, which, together with the bill above recited, was referred to the Mariposa delegation.

#### PETITION.

Mr. Escandon had leave to present resolutions from the Supervisors and from the Patrons of Husbandry of San Luis Obispo County, protesting against the passage of a pending bill for increasing official salaries in said county.

Referred to the San Luis Obispo delegation.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 3d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Also, passed Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company.

Also, passed Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

Also, passed Senate Bill No. 81—An Act to amend section thirty-nine hundred and twenty-one of the Political Code.

Also, passed Senate Bill No. 314—An Act to amend certain sections and to repeal certain sections of the Political Code.

Also, passed Senate Bill No. 239—An Act to amend sections forty-two hundred and thirty-four, forty-two hundred and thirty-five, forty-two hundred and thirty-six, and forty-two hundred and thirty-eight of the Political Code.

Also, passed Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code.

Also, passed Senate Bill No. 264—An Act relating to mutual beneficial and relief associations.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 4th, 1874. }

Mr. SPEAKER: I am directed to respectfully inform your honorable body that Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-two of the Political Code—having been enrolled and presented to the Governor, it is beyond the power of the Senate to comply with the request of the Assembly to return it.

CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Mr. Cowdery had leave to introduce the following joint resolution, relative to Senate Bill No. 137, above reported—Joint Resolution requesting the Governor to withhold his signature to Senate Bill No. 137:

WHEREAS, The House having, on the second day of March, passed Senate Bill No. 137—An Act to amend section three thousand three hundred and eighty-three of the Political Code—and having, on the next day, duly reconsidered the vote by which the vote was passed, and the said bill having been delivered to the Governor for his approval; therefore, be it

*Resolved*, That the Governor be requested to withhold his signature to Senate Bill No. 137, and to return the same to the Senate for further action.

Adopted.

Mr. Cowdery also had leave to introduce the following:

*Resolved*, That the Senate be requested to return to this Assembly Senate Bill No. 137, provided that the said bill shall be returned to the Senate by the Governor, in accordance with the joint resolution this day passed by the Assembly.

Adopted.

Assembly Bill No. 100, above reported, on motion to recommit to the Judiciary Committee, with instructions to report back on Friday morning, the ayes and noes were demanded by Messrs. Swift, Vandall, and Freidenrich, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Burt, Byers, Coggins, Cowdery, Freeman, Freidenrich, Gray, Hurlburt, Kercheval, Knox, McCallum, Miller, Rogers, Roush, Sinpers, Swift, Terrill, Vandall, Welch, and Williams—21.

**NOES**—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Canfield, Carter, Clark, Cressler, Davis, Dixon, Escandon, Fahey, Frank, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Higbie, Hill, Howe, Ingham, Klotz, Long, Meyers, Morgan, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Russell, Snyder, Summers, Tinnin, Thomas, Wickware, and Mr. Speaker—44.

House concurred in Senate amendment to section two of the bill.

On concurring in the Senate amendment to strike out all of sections four, five, and six of the bill, the ayes and noes were demanded by Messrs. Coggins, Kercheval, and Cowdery, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Byrnes, Canfield, Carter, Cressler, Davis, Dixon, Escandon, Fahey, Frank, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Higbie, Hill, Howe, Hurlburt, Ingham, Klotz, Long, Meyers, Morgan, Northcutt, Northup, Parker, Patterson, Peek, Pelham, Pishon, Rea, Russell, Snyder, Stowers, Summers, Tinnin, Thomas, and Wickware—45.

**NOES**—Messrs. Aldrich, Burt, Byers, Coggins, Cowdery, Freeman, Freidenrich, Gray, Kercheval, Knox, McCallum, Miller, Rogers, Roush, Sinpers, Swift, Terrill, Welch, Williams, and Mr. Speaker—20.

Senate Bill No. 81, above reported, read first and second times, and referred to the Sierra and Plumas delegations.

Senate Bill No. 162, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 239, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 247, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 264, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 314, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 322, above reported, read first and second times, and referred to the Judiciary Committee.

#### RESOLUTIONS.

By Mr. Fahey:

*Resolved*, That the Judiciary Committee be and they are hereby requested to report back Senate Bill No. 111, at their earliest convenience.

Adopted.

By Mr. Klotz—to refer Assembly Bill No. 199 to the Committee on Land Monopoly, with the following instructions: amend by inserting in section one, line one, after the word “person,” the following words: “hereafter to apply;” also, in section two, line six, the following: strike out the word “may” and insert “shall.”

Adopted.

Mr. Russell had leave to withdraw Assembly Bill No. 79 and Assembly Bill No. 84.

Mr. Coggins had leave to introduce Assembly Concurrent Resolution—relative to the delivery of a medal and diploma to D. L. Perkins.

Read first and second times, and referred to the Committee on Claims.

Mr. Heald had leave to introduce the following:

*Resolved*, That a copy of the Journal of this House be made for the State Printer, and that seven cents per folio be paid to J. H. Lee for completing the same.

Referred to the Committee on Rules and Employés.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gilmore of El Dorado—An Act to amend certain sections of the Political Code, in relation to collection of poll taxes.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Welch—An Act to authorize the Counties of Colusa, Lake, and Mendocino to issue bonds in aid of telegraphic communication with each other and with other parts of the State.

Read first and second times, and referred to the Colusa, Lake, and Mendocino delegations.

Also, an Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes.

Read first and second times, and referred to the Lake delegation.

By Mr. Cowdery—An Act supplemental to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act to protect the rights of stockholders in incorporated companies.

Read first and second times, and referred to the Committee on Corporations.

By Mr. McCallum—An Act to amend section twenty-eight hundred and eighty-one of the Political Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Coggins—An Act to amend section thirty-eight hundred and thirty-six of the Political Code.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Gurnett—An Act to amend section one hundred and fifty-nine of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Escandon—An Act for the relief of W. F. Williams, late District Attorney of Santa Barbara County.

Read first and second times, and referred to the Committee on Claims.  
By Mr. Northcutt—An Act to amend the city charter of the City of Healdsburg, Sonoma County.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Freeman—An Act concerning roads and highways in the County of Yolo.

Read first and second times, and referred to the Yolo delegation.

By Mr. Williams—An Act to provide for the redemption of the bonded indebtedness of El Dorado County.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Wickware—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Freidenrich—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

#### LEAVE OF ABSENCE.

Leave of absence, for two days, was granted to Mr. Murphy.

#### SPECIAL ORDER.

The House resumed consideration of the deferred special order, Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

At two o'clock P. M., the hour set for consideration of the second special order (Senate Bill No. 187), the latter was, on motion of Mr. Rogers, postponed until the pending bill is disposed of.

Assembly Bill No. 102—consideration resumed.

Amendments reported by the Judiciary Committee adopted, rules suspended, bill considered engrossed, read a third time, and passed, and ordered immediately transmitted to the Senate without engrossment.

Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

On a motion to strike out the enacting clause of the bill, the ayes and noes were demanded by Messrs. Ables, Gray, and Clark, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Bowers, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gray, Hay, Heald, Hill, Hurlburt, Kercheval, Knox, Long, McBride, McCallum, Meyers, Miller, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Stowers, Swift, Thomas, Vandall, Welch, Williams, and Mr. Speaker—47.

**NOES**—Messrs. Amerman, Barton, Bradley, Carter, Cowdery, Escandon, Fahey, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hamnitt, Higbie, Howe, Northcutt, Peek, Rogers, Snyder, Summers, Terrill, Tinnin, Venable, and Wickware—23.

Mr. Vandall gave notice that he would, on to-morrow, move to reconsider the vote by which the enacting clause was, to-day, stricken from the above bill by the House.

## GENERAL FILE.

Substitute for Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

Read a third time, and passed.

## REPORTS.

Mr. Hay had leave to make the following report:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell certain lands in said city and county.

Also, Assembly Concurrent Resolution No. 49—providing for the relinquishment of a portion of the Presidio Reservation for a public park to the City and County of San Francisco.

Also, Assembly Bill No. 38—An Act to legalize the appointment of Commissioners for Swamp Land District Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

Also, Senate Substitute for Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county;

Also, Assembly Bill No. 366—An Act in relation to the Industrial School Department of the City and County of San Francisco;

Also, Assembly Bill No. 155—An Act to incorporate Salinas City;

Also, Substitute for Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County;

And that the same were, this fourth day of March, eighteen hundred and seventy-four, at two o'clock P. M., transmitted to the Governor for his approval.

HAY, Chairman.

Mr. Swift had leave to make the following report:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Senate Bill No. 164—An Act to incorporate the City of Santa Barbara—have had the same under consideration, and have agreed to certain amendments, which are attached to the bill, and now report the same back, with the recommendation that it pass as amended.

SWIFT, Chairman.

At three o'clock and fifty-four minutes P. M., on motion of Mr. Gray, the House took a recess until seven o'clock P. M.

## EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## GENERAL FILE.

Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

Read a third time, and passed.

Assembly Bill No. 154—An Act to provide for the construction of a flume for the transportation of lumber and other like materials, from the headwaters of San Lorenzo Creek to the Town of Santa Cruz, in the County of Santa Cruz.

The enacting clause was stricken out.

Senate Bill No. 227—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Read a third time, and passed.

Senate Bill No. 282—An Act to amend an Act entitled an Act to provide for the location, construction, and maintenance of public roads in the County of Nevada, approved March twenty-first, eighteen hundred and seventy-two.

Read a third time, and passed.

Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Substitute adopted, read a third time, and passed.

Assembly Bill No. 456—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 229—An Act authorizing and empowering the Auditor of El Dorado County to allow certain claims against said county.

Read a third time, and passed.

Assembly Bill No. 369—An Act to prevent and correct truancy and vagrancy among boys of school age in the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara.

Amendments adopted, read a third time, and passed.

Assembly Bill, No. 344—An Act to amend sections three thousand and nine, three thousand and ten, three thousand and twelve, and three thousand and thirty-two, Article III, Chapter II, Title VII, of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two.

Rules suspended, title amended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Taken from the File, and re-referred to the Napa delegation.

Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 470—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same.



Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Taken up out of its order, amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 332—An Act to provide for the payment of the debt incurred in building a school house for the Oro Fino School District, in Siskiyou County.

Amended, read a third time, and passed.

Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 320—An Act concerning fees in office of the Sheriff of Monterey.

Indefinitely postponed.

Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles.

Amendment adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 320—An Act to provide for the appointment of an additional Notary Public for the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 326—An Act to provide for the indexing of certain records of Nevada County.

Read a third time, and passed.

Senate Bill No. 232—An Act to amend section thirty-nine hundred and twenty-two of the Political Code.

Read a third time, and passed.

Assembly Bill No. 477—An Act relating to license fees in the County of Sierra.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin.

Passed on the File.

Assembly Bill No. 236—An Act to quiet titles to certain land in Yolo County.

Read a third time, and passed.

Mr. Coggins gave notice that he would, on to morrow, move to reconsider the vote by which the bill was passed.

Senate Bill No. 221—An Act to provide funds for the Town of San Luis Obispo.

Read a third time, and passed.

Assembly Bill No. 497—An Act to change the name of a county in this State.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Rules suspended, bill considered engrossed, read a third time, and passed.

At eight o'clock and forty minutes, on motion of Mr. Meyers, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, March 5th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence, indefinitely, was granted to Mr. Venable.

## RESOLUTION.

Mr. Howe had leave to introduce the following resolution:

*Resolved*, That the Engrossing Clerk of the Assembly be instructed to engross Substitute for Assembly Bill No. 344, out of its order.

Adopted.

## REPORTS.

Reports were made as follows:

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Assembly Bill No. 402—An Act to quiet the title to certain lands—have had the same under consideration, and report it back with a substitute, and recommend that the substitute pass.

GRAY, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 454—An Act to discourage drunkenness and diminish pauperism—have had the same under consideration, and beg leave to report the bill back with amendments, and recommend the passage of the same as amended.

PATTERSON.

Petitions from citizens of various portions of the State favoring its passage were ordered to accompany the bill.

By Mr. Thomas:

MR. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 431—An Act to fix the salary and define the duties of the Superintendent of Common Schools in the County of Santa Cruz—have had the same under consideration, and report it back, with the recommendation that it do not pass.

THOMAS, for Delegation.

By Mr. Freeman:

MR. SPEAKER: The Yolo delegation have had under consideration Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo—and report the same back, and recommend its passage.

FREEMAN, for Delegation.

Assembly Bill No. 517, above reported, was, on motion of Mr. Freeman, taken up, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Ables:

MR. SPEAKER: The Marin delegation, to whom was referred Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin—have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

ABLES, for Delegation.

By Mr. Welch:

MR. SPEAKER: The Napa delegation, to whom was referred Senate Bill No. 357—An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February\* twenty-fifth, eighteen hundred and seventy-four—report the same back, and recommend its passage.

WELCH, for Delegation.

By Mr. Klotz:

MR. SPEAKER: The Shasta delegation, to whom was referred Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, Shasta County—beg leave to report it back, and recommend that it do not pass.

KLOTZ, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 4th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 348—An Act to regulate the traveling fees of the Sheriffs of the Counties of Inyo and Alpine, and of the Constables within said counties.

Also, Assembly Bill No. 255—An Act to fix the salary and bond of the Treasurers of Fresno and Kern Counties.

Also, Assembly Bill No. 169—An Act to legalize the debt contracted for building a school house in Martinez School District, and to provide for the payment of the same.

Also, Assembly Bill No. 458—An Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto.

Also, Assembly Bill No. 353—An Act to regulate the fees of the County Recorder of Santa Clara County.

Also, Assembly Bill No. 278—An Act in relation to jurors in Courts of Justices of the Peace in the County of Humboldt.

Also, Assembly Bill No. 276—An Act to authorize Isaac E. Davis and Henry Cowell and others, to lay down and maintain water pipes in the Town of Santa Cruz.

Also, Assembly Bill No. 290—An Act to prevent stallions from running at large in Mono County.

NEWTON BOOTH,  
Governor.

## RECONSIDERATION.

Pursuant to notice, Mr. Coggins moved to reconsider the vote by which the House, on yesterday, struck out the enacting clause of Senate Bill No. 187—An Act to authorize C. H. Reynolds to sue the State of California.

Mr. Freeman moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Gray, Swift, and Ables, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Freeman, Freidenrich, Ferguson, Giffen, Gray, Gurnett, Hay, Heald, Hill, Hurlburt, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Northup, Norton, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Swift, Thomas, Welch, Williams, Winchell, and Mr. Speaker—53.

NOES—Messrs. Amerman, Barton, Cowdery, Escandon, Fahey, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Higbie, Howe, Ingham, Northcutt, Patterson, Peek, Rogers, Summers, Terrill, Tinnin, Vandall, and Wickware—22.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 4th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the third day of March, A. D. eighteen hundred and seventy-four, amended and passed Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. F. Bailey.

Also, passed Assembly Bill No. 322—An Act to provide for the issuance of the bonds of the County of Marin, for the payment of the outstanding indebtedness of said county, for road and bridge purposes.

Also, passed Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County.

Also, passed Assembly Bill No. 330—An Act concerning roads and highways in the County of Monterey.

Also, amended and passed Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Also, passed Senate Bill No. 268—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two.

Also, on this day, passed Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

Also, passed Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California.

Also, passed Assembly Bill No. 312—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen.

Also, passed Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

Also, passed Senate Bill No. 369—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Petaluma, approved March twenty seventh, eighteen hundred and sixty-eight.

Also, amended and passed Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Also, passed Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Also, passed Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego, to the City and County of St. Louis, Missouri.

Also, passed Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Also, concurred in Assembly amendment to Senate Bill No. 114—An Act to provide for the payment of certain indebtedness against the State.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 202, above reported, Senate amendments concurred in.

Assembly Bill No. 237, above reported, Senate amendments concurred in.

Assembly Bill No. 136, above reported, Senate amendments concurred in.

Senate Bill No. 369, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 268, above reported, read first and second times, and referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tinnin—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Read first and second times, and ordered on File.

By Mr. Hamill—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficiency in the School Fund of eighteen hundred and seventy-two-seventy-three.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Higbie—An Act to amend the provisions of the Political Code relative to public schools.

Read first and second times, and referred to the Committee on Education.

By Mr. Cowdery—An Act for the relief of T. P. Riordan.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Amerman—An Act for the protection of game and fish.

Read first and second times, and referred to a special committee of seven, consisting of Messrs. Amerman, Gilmore of Calaveras, McCallum, Byrnes, Ingham, Miller, and Hamill.

By Mr. McCallum—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

Read first and second times, and ordered on File.

#### GENERAL FILE.

Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

Read a third time, and passed.

Assembly Bill No. 288—An Act amendatory of the Political Code of the State of California, by adding thereto a section, to be designated as section one thousand two hundred and seventy-nine.

Read a third time, and passed.

Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Read a third time, and passed.

Assembly Bill No. 336—An Act granting the right to carriers and venders of newspapers, books, and periodicals, to sell and distribute the same on railroads, steamboats, and sailing vessels in this State, and for other purposes.

Read a third time, and passed.

Assembly Bill No. 346—An Act to add certain sections to, amend certain sections of, and repeal certain sections of the Political Code.

Passed on File.

Assembly Bill No. 243—An Act to prevent drunkenness in public places in the State of California

Mr. Hamill offered the following amendment to section eleven: "This Act shall not apply to the City and County of San Francisco;" on the adoption of which the ayes and noes were demanded by Messrs. Klotz, Terrill, and Freidenrich, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Byrnes, Cressler, Ferguson, Giffen, Hamill, Higbie, Hill, Northup, Peek, Terrill, Tinnin, Wickware, and Williams—15.

NOES—Messrs. Ables, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gurnett, Hammitt, Hay, Heald, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Northcutt, Norton, Patterson, Paulsell, Pelham, Pishon, Rogers, Roush, Simpers, Simpson, Snyder, Stowers, Swift, Thomas, Tully, Vandall, Welch, Winchell, and Mr. Speaker—53.

Mr. Freidenrich moved the indefinite postponement of the bill, on which motion the ayes and noes were demanded by Messrs. Long, Bowers, and Canfield, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Bryan, Burt, Byers, Byrnes, Coggins, Cowdery, Franck, Freidenrich, Giffen, Hamill, Heald, Hill, Kercheval, McCallum, Meyers, Miller, Northup, Patterson, Pelham, Roush, Simpers, Stowers, Swift, Terrill, Tinnin, and Wickware—28.

**NOES**—Messrs. Ables, Amerman, Barton, Bowers, Canfield, Carter, Chandler, Clark, Cressler, Davis, Dixon, Freeman, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Hay, Higbie, Howe, Hurlburt, Ingham, Klotz, Knox, Long, McBride, Northcutt, Norton, Paulsell, Peek, Pishon, Rea, Rogers, Russell, Simpson, Snyder, Thomas, Tully, Vandall, Welch, Williams, Winchell, and Mr. Speaker—43.

Mr. Miller offered the following amendment: "*provided*, that this Act shall apply only to San Diego County." On the adoption of which, the ayes and noes were demanded by Messrs. Bowers, Ferguson, and McBride, and the House refused, by the following vote:

**AYES**—Messrs. Bryan, Burt, Byrnes, Franck, Hamill, Heald, Hill, Miller, Northup, Pelham, Roush, Terrill, and Vandall—13.

**NOES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Byers, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hay, Higbie, Howe, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, McCallum, Meyers, Northcutt, Norton, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Thomas, Tully, Welch, Wickware, Williams, Winchell, and Mr. Speaker—56.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Long, Byrnes, and Gray, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Canfield, Carter, Cressler, Freeman, Ferguson, Gilmore of Calaveras, Gray, Hammitt, Higbie, Hurlburt, Ingham, Knox, Long, McBride, Northcutt, Norton, Patterson, Paulsell, Rogers, Simpson, Snyder, Summers, Thomas, Tully, Welch, Williams, and Mr. Speaker—30.

**NOES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Byrnes, Chandler, Coggins, Cowdery, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Giffen, Gurnett, Hamill, Hay, Heald, Hill, Howe, Kercheval, McCallum, Meyers, Miller, Northup, Peek, Pelham, Pishon, Rea, Roush, Russell, Simpers, Stowers, Swift, Terrill, Tinnin, Vandahl, Wickware, and Winchell—42.

Assembly Concurrent Resolution No. 42—relative to the Yosemite Valley and Big Tree Grove.

Amendments reported by Committee on Federal Relations adopted, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Bradley had leave to make the following report:



**Mr. SPEAKER:** The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to the said society, in the City of Oakland, County of Alameda.

Also, Assembly Bill No. 287—An Act supplemental to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

Also, Assembly Bill No. 148—An Act amendatory of and supplemental to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda.

Also, Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Assembly Bill No. 231—An Act to transfer certain funds in the County of Kern.

**BRADLEY, Chairman.**

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 141.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

**Mr. Stowers** had leave to introduce the following: An Act to increase the compensation of the Assistant Sergeant at-Arms of the Senate and Assembly.

Read first and second times, and referred to the Committee on Ways and Means

**Mr. Kercheval** had leave to introduce the following: An Act concerning double assessments of property for taxes for the same fiscal year.

Read first and second times, and referred to the Committee on Ways and Means.

#### REPORT.

**Mr. Bradley** had leave to make the following report:

**Mr. SPEAKER:** The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code—the same having been ordered to be reported out of its regular order.

**BRADLEY, Chairman.**

## RESOLUTIONS.

Mr. Coggins had leave to introduce the following:

*Resolved*, That the committee appointed to investigate matters connected with the contract between the State of California and the Central Pacific Railroad Company, is hereby authorized to employ a shorthand reporter, at a rate of compensation not to exceed five dollars per day, for taking notes, and ten cents per folio for transcribing the testimony.

Adopted.

Mr. Barton had leave to introduce the following:

*Resolved by the Assembly, the Senate concurring*, That the Committee on Public Buildings and Grounds, of the Assembly, and the Committee on Public Buildings and Grounds, of the Senate, proceed, on Saturday, March seventh, immediately after adjournment, to examine the Governor's Mansion, situated in the City of Sacramento, on the State Capitol Park, and to report whether, in their opinion, it can be utilized as a State Printing Office and State Armory, or in any other manner.

Adopted.

## SPECIAL ORDER.

Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits and between the Yosemite and the Mariposa Big Tree Parks.

On motion of Mr. Snyder, re-referred to the Committee on Yosemite and Big Tree Parks.

## GENERAL FILE.

Assembly Bill No. 189—An Act relating to the apprenticeship of minors and dissolute persons, and defining the relations between master and servant.

[Mr. Tinnin in the chair.]

The bill was indefinitely postponed.

Senate Bill No. 76—An Act for the relief of A. A. Bennett, Architect of the State Armory and Governor's Mansion.

[The Speaker in the chair.]

Read a third time, and passed.

Substitute for Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Williams in the chair.]

Considered in Committee of the Whole.

On motion of Mr. Terrill, the committee arose, reported the bill back, and recommended its engrossment.

## IN ASSEMBLY.

[Speaker in the chair.]

Substitute for Assembly Bill No. 73, above reported from Committee of the Whole, the rules were suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code.

Amended, rules suspended, and considered engrossed.

On the passage of the bill, the ayes and noes were demanded by Messrs. Burt, Terrill, and Vandall, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Davis, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gray, Hay, Higbie, Hurlburt, Ingham, Kercheval, Klotz, McCallum, Peek, Rogers, Russell, Simpser, Simpson, Snyder, Swift, Terrill, Tinnin, Wickware, Williams, and Winchell—37.

**NOES**—Messrs. Ables, Bryan, Burt, Coggins, Cressler, Franck, Freeman, Gilmore of Calaveras, Hammitt, Heald, Howe, Knox, Long, McBride, Meyers, Morgan, Murphy, Northcutt, Northup, Patterson, Paulsell, Pelham, Pishon, Rea, Roush, Stowers, Summers, Thomas, Vandall, Welch, and Mr. Speaker—31.

Senate Bill No. 61—An Act to amend section twenty-nine hundred and fifty-eight of the Political Code.

Read a third time, and passed.

Assembly Bill No. 318—An Act to amend section thirty-three hundred and eighty-one of the Political Code.

On the motion to engross the bill, the ayes and noes were demanded by Messrs. Williams, McCallum, and Paulsell, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bowers, Canfield, Chandler, Coggins, Cowdery, Davis, Dixon, Gilmore of Calaveras, Gray, Heald, Higbie, Howe, Hurlburt, Kercheval, Knox, Long, Morgan, Northcutt, Patterson, Paulsell, Russell, Simpson, Terrill, Welch, and Winchell—27.

**NOES**—Messrs. Amerman, Bradley, Bryan, Burt, Byers, Carter, Clark, Cressler, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Hill, Klotz, McBride, McCallum, Meyers, Murphy, Northup, Norton, Peek, Pelham, Pishon, Rea, Rogers, Roush, Simpser, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Vandall, Wickware, Williams, and Mr. Speaker—42.

#### SPECIAL ORDER.

At two o'clock p. m., the Speaker announced the special order to be the consideration of Assembly Bill No. 172—An Act to provide a system of irrigation.

Recommitted to the Committee on Irrigation, with instructions to report immediately an amendment introduced by Mr. Meyers.

#### REPORT.

Mr. Meyers had leave to make the following report in reference to the above bill:

**MR. SPEAKER:** The Committee on Irrigation, to whom was referred Assembly Bill No. 172, with special instructions to amend section twelve by adding the following words to said section: "*Provided, that the*

amount expended on the part of the State, in carrying out the provisions of this Act, shall in no case exceed the sum of thirty thousand dollars in any one year"—beg leave to report that they have had the proposed amendment to section twelve of Assembly Bill No. 172 under consideration, and recommend that it be adopted.

MEYERS, for Committee.

The report was adopted, and on the passage of the bill as amended, the ayes and noes were demanded by Messrs. Murphy, Gilmore of El Dorado, and Franck, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Escandon, Fahey, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Hay, Heald, Higbie, Howe, Kercheval, Long, McCallum, Meyers, Northcutt, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Welch, Wickware, Williams, and Mr. Speaker—50.

NOES—Messrs. Burt, Cressler, Dixon, Franck, Giffen, Gilmore of El Dorado, Hill, Hurlburt, Klotz, Knox, McBride, Northup, Peek, Pelham, Simpser, and Vandall—16.

#### GENERAL FILE RESUMED.

Senate Bill No. 193—An Act making appropriations for the payment of certain claims in favor of J. A. Breuner.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Russell in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Tinnin, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 193, above reported from Committee of the Whole; on the passage of the bill the ayes and noes were demanded by Messrs. Barton, Murphy, and Terrill, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Burt, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Gilmore of El Dorado, Hammitt, Klotz, McCallum, Meyers, Norton, Patterson, Rogers, Roush, Russell, Simpser, Snyder, Swift, Terrill, Tinnin, Wickware, Williams, and Mr. Speaker—37.

NOES—Messrs. Amerman, Bryan, Coggins, Gilmore of Calaveras, Gurnett, Hay, Heald, Higbie, Howe, Hurlburt, Kercheval, Knox, Long, McBride, Murphy, Northcutt, Northup, Paulsell, Peek, Pelham, Rea, Simpson, Summers, Thomas, and Vandall—25.

Assembly Bill No. 329—An Act to promote the destruction of squirrels and other wild and destructive animals.

Passed on the File.

Senate Bill No. 167—An Act in relation to the care of orphan and abandoned children.

Amendment proposed by House Committee on Public Morals not adopted, bill read a third time, and passed.

Senate Bill No. 161—An Act to prevent the sale of intoxicating beverages on election days.

On a motion to strike out the enacting clause, the ayes and noes were demanded by Messrs. Howe, Ables, and Long, and the House refused, by the following vote:

AYES—Messrs. Dixon, Fahey, Franck, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Murphy, Peek, Simpson, Tinnin, and Wickware—11.

NOES—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Freidenrich, Ferguson, Giffen, Gurnett, Heald, Higbie, Howe, Hurlburt, Ingham, Kercheval, Knox, Long, Meyers, Morgan, Northcutt, Northup, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Summers, Swift, Terrill, Thomas, Williams, and Mr. Speaker—47.

The bill was read a third time, and passed.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
March 5th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted Senate Concurrent Resolution No. 53—requesting the Governor to return Senate Bill No. 137 to the Senate.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 53, above reported, adopted.

#### GENERAL FILE.

Assembly Bill No. 162—An Act to amend certain sections of the Code of Civil Procedure.

Refused engrossment.

Assembly Bill No. 375—An Act to amend the Code of Civil Procedure.

Refused engrossment.

Senate Bill No. 285—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Passage refused.

Senate Bill No. 254—An Act to amend sections three hundred and six and three hundred and seven of the Penal Code.

Amended, read a third time, and passed.

Senate Bill No. 249—An Act to amend section nine hundred and seventy-seven of the Code of Civil Procedure.

Passage refused.

Substitute for Assembly Bill No. 400—An Act to prevent unjust discrimination by railroad and other transportation companies in the rates charged for the transportation of passengers and freights, and for other purposes.

On a motion of Mr. Amerman, to print the usual number of the substitute, the ayes and noes were demanded by Messrs. Swift, Terrill, and Coggins, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bowers, Bradley, Carter, Clark, Cressler, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hamitt, Higbie, Howe, Hurlburt, Long, McBride, Morgan, Northcutt, Northup, Peek, and Pishon—24.

NOES—Messrs. Ables, Aldrich, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Davis, Franck, Freidenrich, Heald, Kercheval, Knox, Meyers, Murphy, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpers, Simpson, Swift, Terrill, Tinnin, Thomas, Wickware, Winchell, and Mr. Speaker—32.

Amended, and substitute adopted, and ordered engrossed.

Senate Concurrent Resolution No. 42—relative to furnishing arms by the General Government.

Read a third time, and passed.

At three o'clock and forty-eight minutes P. M., on motion of Mr. Howe, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
Friday, March 6th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Vandall.

## REPORTS.

Reports were submitted as follows:

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale—beg leave to report that they

have carefully considered said bill, and hereby report it back, and recommend its passage.

In regard to Assembly Bill No. 515—An Act for the relief of W. N. Williams, late District Attorney of Santa Barbara County—your committee find this to be purely a local measure, affecting only Santa Barbara County, and, at the request of the delegation from that county, your committee would respectfully report said bill back, and recommend its passage.

In the matter of Assembly Joint Resolution (not numbered) for the relief of D. L. Perkins, your committee would respectfully report the same back, with the recommendation that it be adopted.

In the matter of Assembly Bill No. 443—An Act for the relief of A. M. Winn—your committee find, upon investigation, that it is a claim for reimbursement to said Winn for moneys paid out by him for the relief of the sick, and for burying the dead, during the cholera epidemic in Sacramento, in eighteen hundred and forty-nine and eighteen hundred and fifty. Your committee also find that at the time said moneys were paid, the State of California had not been admitted into the Union, but was existing a Territory, under the control and protection of the Government of the United States; and that the persons relieved by said Winn, were not at that time citizens of the State of California; wherefore, your committee consider that the above claim, if valid against any Government, is properly a claim against the United States, and not against the State of California. In view of the above fact, your committee would respectfully report back said bill, with the recommendation that it be referred to the Committee on Federal Relations.

TINNIN, Chairman.

Assembly Bill No. 443, above reported, recommitted to the Committee on Federal Relations.

By Mr. Welch—in reference to expenses incurred by the Committee on Public Buildings and Grounds, in the discharge of their duties.

Referred to the Committee on Public Expenditures and Accounts.

By Mr. Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 406—An Act to reorganize Levee District Number One, of Sutter County—beg leave to report that they have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 488—An Act to provide for the adjusting and payment of the claim of Robert E. Beasley, against Swamp Land District Number Fifty-four—report it back, and recommend that it do not pass.

Also, Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Sixty-six, in Tulare County—beg leave to report that they have considered the same, and report it back, and recommend that it do not pass.

R. KERCHEVAL, Chairman.

By Mr. Murphy:

Mr. SPEAKER: Your Committee on Land Monopoly report that they have, in compliance with the instructions of the Assembly, adopted March fourth, eighteen hundred and seventy-four, amended Assembly Bill No. 199, by amending section one by inserting in line two of the engrossed bill, after the word "person," the following words, "hereafter to apply;" and as to the second instruction, we find the engrossed bill to already read as proposed to be amended.

MURPHY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 405—An Act to amend section two hundred of the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 469—An Act to add another section to the Penal Code—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 514—An Act to amend section one hundred and fifty-nine of the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 476—An Act to amend section three thousand three hundred and sixty-four of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 512—An Act to amend section two thousand eight hundred and eighty-one of the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 280—An Act to amend section five hundred and seventy-four of the Civil Code—report it back, and recommend its passage.

Also, Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll tax—report it back with an amendment, and recommend its passage.

Also, Senate Bill No. 239—An Act to amend section four thousand two hundred and thirty-four of the Political Code—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 433—An Act to amend an Act entitled an Act for the protection of game, approved March twentieth, eighteen hundred and seventy-two—report it back, and recommend that it be referred to the Special Committee on Game and Fish.

WILLIAMS, Chairman.

Assembly Bill No. 433, above reported, was recommitted to the Special Committee on Game and Fish.

By Mr. Swift:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 462—An Act to amend the Penal Code—have had the same under consideration, and respectfully beg leave to report it back, with the recommendation that it pass.

Also, Assembly Bill No. 511—An Act to protect the rights of stock-



holders in incorporated companies—was had under consideration, and is hereby reported back, with the recommendation that it pass.

SWIFT, Chairman.

By Mr. Rogers, from Joint Committee on the Geological Survey of the State, ordered printed, together with the accompanying bill—An Act to complete the Geological Survey of the State of California.

Read first and second times, and ordered on File.

By Mr. Simpson:

Mr. SPEAKER: The Tehama delegation, to whom was referred Assembly Bill No. 485—An Act concerning road poll tax for Tehama County—beg leave to report that they have carefully considered said bill, and report the same back, and recommend its passage.

SIMPSON, for Delegation.

Also, by the same:

Mr. SPEAKER: The Tehama delegation, to whom was referred Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county—beg leave to report that they have carefully considered said bill, and report the same back, and recommend its passage.

SIMPSON, for Delegation.

By Mr. Russell:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bills Nos. 315 and 381, having duly considered the same, beg leave to report them back, and recommend that they do not pass.

RUSSELL, for Delegation.

By Mr. Wright:

Mr. SPEAKER: The Committee on the Culture of the Grapevine, to whom was referred Assembly Bill No. 391—An Act to repeal an Act amendatory of and supplemental to an Act regulating rodeos—have had the same under consideration, and recommend that it do not pass.

WRIGHT, Chairman.

By Mr. Russell:

Mr. SPEAKER: The Sacramento delegation, having duly considered Assembly Bill No. 499, beg leave to report the same back, and recommend that it do pass.

RUSSELL, for Delegation.

By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 340—An Act to provide funds for the City of Oakland—have examined the same, and recommend its passage.

GURNETT,  
AMERMAN.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5th, 1874.

*To the Assembly of the State of California:*

I herewith transmit to your honorable body the report of the Commissioners of Fisheries of the State of California for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

NEWTON BOOTH,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5th, 1874.

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 155—An Act to incorporate Salinas City.

Also, Assembly Bill No. 38—An Act to legalize the appointment of Commissioners of Swamp Land Districts Numbers Fifty and Fifty-four, in Sacramento County, and to validate certain acts of said Commissioners.

Also, Assembly Bill No. 117—An Act to authorize the Board of Supervisors of the City and County of San Francisco to sell and convey a certain piece of land, comprising old Cemetery Avenue and the triangular plaza, reserved by the Outside Land Committee, up to Central Avenue, and for other purposes.

Also, Assembly Bill No. 366—An Act in relation to the Industrial School department of the City and County of San Francisco.

Also, Assembly Bill No. 145—An Act to provide for the collection of certain unpaid taxes in Fresno County.

NEWTON BOOTH,  
Governor.

## RESOLUTIONS.

By Mr. Parker:

*Resolved*, That Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State—be referred to the Swamp Land Committee, with instructions to strike out the words "hereafter to apply," in line two, after the word "person."

Adopted.

By Mr. Bowers:

*Resolved*, That the Enrolling Clerk be directed to number, consecutively, the sections of Assembly Bill No. 100.

Adopted.

By Mr. Tinnin:

*Resolved*, That the Chairman of each committee of this House be required, immediately after the approval of the Journal on the morning of the last day of this session, to report to this House whether or not any money is due any person or persons for services rendered the State at the request of his committee; and if any money is due, to whom, and how much.

Adopted.

By Mr. Norton:

*Resolved*, That the Special Committee on the Political Code be authorized to employ a clerk, at a per diem of five dollars, during the time for which said clerk is actually employed.

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 5th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fifth instant, passed Senate Bill No. 44—An Act to add two sections to the Political Code of California.

T. J. SHACKLEFORD,  
Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 44, above reported, read first and second times.

On motion of Mr. Murphy, to refer the bill to the Committee of the Whole, the previous question was called for by the requisite number.

On which, the ayes and noes were demanded by Messrs. Terrill, Cowdery, and Swift, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bowers, Canfield, Carter, Clark, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Hill, Howe, Ingham, Klotz, Long, McBride, Morgan, Murphy, Northeutt, Northup, Peek, Pelham, Rea, Simpers, Simpson, Stowers, Summers, Tinnin, Thomas, Williams, and Wright—37.

NOES—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Chandler, Coggins, Cowdery, Cressler, Franck, Freeman, Freidenrich, Gray, Hamill, Heald, Higbie, Hurlburt, Kercheval, Knox, McCallum, Meyers, Miller, Norton, Parker, Patterson, Pishon, Rogers, Roush, Russell, Snyder, Swift, Terrill, Welch, Wickware, Winchell, and Mr. Speaker—38.

At twelve o'clock M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## REPORT.

Mr. Bradley had leave to make the following report:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 466—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Also, Assembly Bill No. 272—An Act to amend the Civil Code, by adding a new section, to be designated section one thousand three hundred and thirteen.

Also, Assembly Bill No. 335—An Act to amend the Civil Code, relating to the liability of landlords.

Also, Assembly Bill No. 251—An Act to amend section one thousand seven hundred and eighty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 334—An Act to amend the Civil Code, relating to liens.

Also, Assembly Bill No. 374—An Act supplemental to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty one.

Also, Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections.

Also, Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Also, Assembly Bill No. 264—An Act to amend section two thousand nine hundred and fifty-five of the Civil Code.

Also, Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Also, Assembly Bill No. 301—An Act to protect agriculture and to prevent the trespassing of animals in the County of Tehama.

Also, Assembly Bill No. 261—An Act to amend an Act entitled an Act to provide for the management and sale of the land belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.

Also, Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, Assembly Bill No. 421—An Act supplementary to an Act entitled an Act to create the County of San Benito.

Also, Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure.

Also, Assembly Concurrent Resolution No. 39—to abolish tariff on quicksilver.

Also, Assembly Bill No. 382—An Act to prohibit the feeding of milch cows on still slops, and the sale of milk from cows fed on still slops, and from sick or diseased cows.

Also, Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Also, Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California.

Also, Assembly Bill No. 213—An Act to repeal an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 477—An Act relating to license fees in the County of Sierra.

Also, Assembly Bill No. 456—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County.

Also, Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County.

Also, Assembly Bill No. 470—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same.

Also, Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Also, Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County.

Also, Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County.

Also, Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground.

Also, Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles.

BRADLEY, Chairman.

#### RESOLUTION.

Mr. Gray had leave to introduce the following resolution:

*Resolved*, That the Enrolling Clerk be authorized to renumber the sections of Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Adopted.

#### SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Senate Bill No. 230, which, on motion of Mr. Tinnin, was continued until Senate Bill No. 44 is disposed of.

On the adoption of the motion of Mr. Murphy, to refer the bill to the

Committee of the Whole, the ayes and noes were demanded by Messrs. Tinnin, Clark, and Williams, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Clark, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hill, Howe, Ingham, Klotz, Knox, Long, McBride, McCallum, Morgan, Murphy, Northeutt, Northup, Parker, Peek, Pelham, Russell, Simpser, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Williams, and Wright—39.

**NOES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Chandler, Coggins, Cowdery, Cressler, Franck, Freeman, Freidenrich, Gray, Hamill, Hammitt, Heald, Higbie, Hurlburt, Meyers, Miller, Norton, Patterson, Pishon, Rea, Rogers, Roush, Swift, Terrill, Thomas, Wickware, and Mr. Speaker—32.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Bradley in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Murphy, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Mr. Swift moved that the bill be referred to a special committee of seven, with instructions to report the same back on Tuesday next, upon which the ayes and noes were demanded by Messrs. Ables, Murphy, and Swift, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Chandler, Coggins, Cressler, Franck, Freeman, Freidenrich, Gray, Hammitt, Heald, Higbie, Hurlburt, Kercheval, Knox, McCallum, Meyers, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Simpson, Snyder, Swift, Terrill, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—38.

**NOES**—Messrs. Bowers, Byrnes, Canfield, Clark, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hay, Hill, Howe, Ingham, Klotz, Long, McBride, Morgan, Murphy, Northeutt, Northup, Parker, Peek, Pelham, Russell, Simpser, Stowers, Summers, Tinnin, Tully, Williams, and Wright—34.

#### SPECIAL ORDER RESUMED.

The House resumed consideration of the deferred special order, Senate Bill No. 230—An Act to make women eligible to educational offices—which, on motion of Mr. Coggins, was ordered to head of File for tomorrow.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 5th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the

Senate, on this day, passed Assembly Bill No. 280—An Act to change the road law of Kern County.

Also, refused to concur in Assembly Concurrent Resolution No. 50—requesting the Governor to withhold his signature to Senate Bill No. 137.

Also, refused to concur in Assembly Substitute to Senate Bill No. 250—An Act to protect the County Treasuries of certain counties.

Also, concurred in Assembly amendment to Senate Bill No. 332.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 6th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth day of March, A. D. eighteen hundred and seventy-four, passed Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land, sold to the State of California to enlarge the Capitol grounds, the balance of the purchase money of said land.

Also, passed Assembly Bill No. 372—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

Also, indefinitely postponed Substitute for Assembly Bill No. 5—An Act to amend the Penal Code by adding two new sections, to be designated sections two hundred and nine and two hundred and ten.

Also, passed Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy.

Also, passed Senate Bill No. 290—An Act to amend section one hundred and thirty of the Penal Code.

Also, passed Senate Bill No. 387—An Act concerning the execution of final process in certain cases.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 6th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 95—An Act to protect bona fide settlers upon the public lands.

Also, passed Senate Bill No. 385—An Act amendatory of and supplementary to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-sixth, eighteen hundred and sixty-one.

Also, passed Senate Bill No. 383—An Act to reorganize the Board of Supervisors of Lake County, and to provide for the election of two additional members thereof, and other matters relating thereto.

Also, on this day, amended and passed Assembly Bill No. 303—An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county.

Also, passed Assembly Bill No. 342—An Act ratifying and confirming action of the City Council of the City of Oakland, and for the relief of W. W. Foote.

Also, passed Assembly Bill No. 445—An Act to legalize the act of the Board of Trustees of Susanville School District in borrowing money, and to provide for the payment of the same.

Also, indefinitely postponed Assembly Bill No. 352—An Act for the relief of Asa Howard and others of the County of Alameda.

Also, concurred in Assembly amendments to Senate Bill No. 254.

Also, adopted Assembly Concurrent Resolution No. 51—requesting the Senate and Assembly Committee on Public Buildings and Grounds to examine the Governor's Mansion.

Also, to inform your honorable body that the Governor having returned to the Senate Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code—the Senate reconsidered its vote on the amendments, and in accordance with request, herewith return said bill for further action by the Assembly.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Substitute for Senate Bill No. 250, above reported, House refused to recede, and the Speaker appointed Messrs. McBride, Cressler, and Ferguson a Committee of Conference, on the disagreement between the two Houses.

Senate Bill No. 387, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 290, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 95, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 383, above reported, read first and second times, and referred to the Lake County delegation.

Senate Bill No. 385, above reported, read first and second times, and referred to the Siskiyou delegation.

Assembly Bill No. 303, above reported, Senate amendments concurred in.

Senate Bill No. 137, above reported, Mr. Tinnin offered the following resolution:

*Resolved*, That Senate Bill No. 137—An Act to amend section thirty-three hundred and eighty-two of the Political Code—be referred to the Trinity delegation, with the following instructions: to strike out the proviso that "no manufacturer shall be required to procure a license for the sale of his own manufactures."

Adopted.

#### SPECIAL COMMITTEE.

The Speaker announced the following as the Special Committee on Senate Bill No. 44: Messrs. Swift, Bradley, Tinnin, Meyers, Williams, Gray, and Roush.



## RESOLUTION.

Mr. Rogers had leave to introduce the following resolution:

*Resolved*, That the following sums be paid to the persons named herein, for copying done for the engrossing department of the Assembly, viz:

B. Hoyt, for forty-two folios of engrossing.....	\$7 56
A. E. King, for one hundred and fourteen and one half folios of engrossing.....	20 61
F. Beveridge, for sixty-seven folios of engrossing.....	12 06
George Seckle, for sixty folios of engrossing.....	10 80
D. Crill, for thirty-seven folios of engrossing.....	6 66

All of which sums shall be paid out of the Contingent Fund of the Assembly, and the Controller shall draw his warrants therefor.

Adopted.

## REPORTS.

Mr. Dixon had leave to make the following report:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 369—An Act supplemental to and amendatory of an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight—beg leave to report the same back, and recommend its passage.

Also, Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, Sonoma County—report the same back, and recommend its passage.

DIXON, for Delegation.

Mr. Hay had leave to make the following report:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 322—An Act to provide for the issuance of bonds of the County of Marin, for the payment of the outstanding indebtedness of said county for road and bridge purposes;

Also, Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, in Contra Costa County;

Also, Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom;

Also, Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County;

Also, Assembly Bill No. 330—An Act concerning roads and highways;

Also, Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery;

Also, Assembly Bill No. 280—An Act to change the road law of Kern County;

Also, Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen;

Also, Assembly Bill No. 312—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two;

And that the same were, this sixth day of March, eighteen hundred and seventy-four, at two o'clock and five minutes P. M., transmitted to the Governor, for his approval.

HAY, Chairman.

Mr. Williams had leave to make the following report:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 387—An Act concerning the execution of final process in certain cases—report it back, and recommend its passage.

WILLIAMS, Chairman.

At four o'clock and twenty minutes P. M., on motion of Mr. Coggins, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

Mr. Northcutt had leave to introduce the following: An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park.

Read first and second times, and ordered on File.

Mr. Ferguson had leave to introduce the following: An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes.

Read first and second times, and ordered on File.

By Mr. Escandon—An Act to separate the office of County Recorder from that of County Clerk, in Santa Barbara County.

Read first and second times, and ordered on File.

By Mr. Russell—An Act for the protection of property at East Park, in Sacramento County.

Read first and second times, and ordered on File.

By Mr. Klotz—An Act relating to roads and highways in the County of Shasta.

Read first and second times, and ordered on File.

By Mr. Thomas—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

Read first and second times, and ordered on File.

By Mr. Terrill—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cressler—An Act to provide for the payment of a debt due N. Fitzgerald, from the Lake City School District, in Modoc County.

Read first and second times, and ordered on File.

#### REPORTS.

Mr. Tinnin had leave to make the following report:

MR. SPEAKER: The Trinity delegation, to whom was referred Senate Bill No. 137, report it, with the amendment, not requiring manufacturers to procure licenses for their own manufactures, struck out as directed.

TINNIN, for Delegation.

Adopted.

Senate Bill No. 137, above reported, read a third time, and passed.

Mr. Higbie had leave to make the following report:

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 465—in relation to the selection of text books—report that we have examined the same, and recommend that it do not pass.

Also, Assembly Bill No. 500—providing for another Secretary for the Superintendent of Public Instruction—report the same back, and recommend that it do not pass.

Assembly Bill No. 465, above reported, was, on motion of Mr. Clark, referred to the Committee on Education.

Mr. Terrill had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 359, beg leave to report the same back with amendments, and recommend the passage of the same as amended.

TERRILL, for Delegation.

#### RESOLUTION.

Mr. Bradley had leave to introduce the following resolution:

*Resolved*, That the Committee on Engrossment be increased by the appointment of two additional members.

The resolution was adopted, and Messrs. Burt and Roush were appointed additional members of the Committee on Engrossment.

On motion of Mr. Ables, Assembly Bill No. 216 and Assembly Bill No. 204 were re-referred to the Committee on State Prison.

## LEAVE OF ABSENCE.

Indefinite leave of absence was granted to the members of the Committee on Counties and County Boundaries.

## GENERAL FILE.

Assembly Bill No. 438—An Act to authorize Maurice Dore, John A. Turney, George S. Wright, Henry Wetherbee, I. M. McNulty, their associates and assigns, to repair, renew, extend, construct, and maintain Meiggs wharf.

Passed on the File.

Assembly Bill No. 399—An Act to authorize J. E. Ryan, W. J. Ryan, and others, to build a wharf at San Pedro Point, Los Angeles County. Passage refused.

Senate Bill No. 127—An Act to promote irrigation in the County of Los Angeles.

Read a third time, and passed.

Senate Bill No. 339—An Act to provide for the appointment of an additional Notary Public for the County of Los Angeles.

Read a third time, and passed.

Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 311—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

Read a third time, and passed.

Senate Bill No. 299—An Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo, approved March fourth, eighteen hundred and seventy-two.

Read a third time, and passed.

Senate Bill No. 164—An Act to incorporate the City of Santa Barbara. Amended, read a third time, and passed.

Assembly Bill No. 506—An Act concerning roads in the County of Butte.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 431—An Act to fix the salary and define the duties of the Superintendent of Common Schools in the County of Santa Cruz.

Engrossment refused.

Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 357—An Act supplemental to an Act to reorganize the Board of Supervisors of Napa County, and for other purposes, approved February twenty-fifth, eighteen hundred and seventy-four.

Read a third time, and passed.

Senate Bill No. 298—An Act to prevent running sawdust into Brandy Creek, in Shasta County.

Passage refused.

Assembly Bill No. 526—An Act to authorize the Board of Supervisors

of Mendocino County to issue bonds for the construction of wagon roads in said county.

Rules suspended, bills considered engrossed, read a third time, and passed.

Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Rules suspended, bill considered engrossed, read a third time, and passed.

#### RESOLUTION.

Mr. Coggins had leave to introduce the following:

*Resolved by the Assembly, the Senate concurring.* That the Governor be requested to return to the Assembly Assembly Bill No. 313, for the correction of clerical errors.

Adopted.

#### INTRODUCTION OF BILLS.

Mr. Canfield had leave to introduce an Act to authorize the issue of bonds by the County of Kern to erect county buildings.

Read first and second times, and ordered on File.

Mr. Coggins had leave to introduce an Act to amend section one hundred and sixty-seven of the Civil Code.

Read first and second times, and referred to the Judiciary Committee.

Mr. Coggins had leave to introduce an Act to legalize a certain assessment in the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

Mr. Gilmore of El Dorado had leave to introduce the following: An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

Read first and second times, and referred to the Committee on Claims.

On motion of Mr. Tinnin, the House took up out of order, Assembly Bill No. 515—An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County.

Rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Northcutt, and by unanimous consent, the House took up Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park.

Rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Gurnett, Assembly Bill No. 340—An Act to provide funds for the City of Oakland—was taken up out of its order.

Rules suspended, bill considered engrossed, read a third time, and passed.

#### GENERAL FILE RESUMED.

Assembly Bill No. 378—An Act to restrict gambling.

Re-referred to the Committee on Public Morals.

On motion of Mr. Ferguson, at seven o'clock and fifty minutes p. m., the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, March 7th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Carter.

## PETITIONS.

By Mr. Escandon—from citizens of San Luis Obispo County, protesting against the increase of official salaries in said county.

Referred to the San Luis Obispo delegation.

By Mr. Parker—from citizens of Inyo County, asking that an Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of Los Angeles and in the County of San Diego and parts of Monterey County, approved February fourteenth, eighteen hundred and seventy-two, be made applicable to Inyo County, during the whole of each year.

Referred to the Committee on Agriculture.

By Mr. Welch—from citizens of Truckee Valley, State of Nevada, relative to obstruction of streams and destruction of fish.

The petition, with the accompanying joint resolution of the Nevada Legislature, was referred to a Special Committee on Fish and Game.

By Mr. Knox—from citizens of Yuba and Butte Counties, in favor of admitting half-breed white and Indian children into public schools.

Referred to the Committee on Education.

By Mr. Byers—from residents of Lassen County, asking for the creation of a new judicial district.

Referred to the Judiciary Committee.

## REPORTS.

Reports were made as follows:

By Mr. Murphy:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts

beg leave to report that they have examined the following bills and accounts, found them correct, and recommend that they be paid:

TO WHOM DUE.	Amount.
F. M. Gilcrest, witness fees for Committee on Public Buildings.	\$4 00
Antonio Fonte, witness fees for Committee on Public Buildings.	4 00
E. T. Raun, witness fees for Committee on Public Buildings....	2 00
D. Farquharson, witness fees for Committee on Public Build- ings .....	4 00
J. W. Duncan, witness fees for Committee on Public Buildings..	7 00
E. L. Mayberry, witness fees for Committee on Public Build- ings .....	2 00
M. J. Donovan, witness fees for Committee on Public Buildings..	7 00
Thomas Moffitt, witness fees for Committee on Public Build- ings .....	2 00
W. N. Miller, witness fees for Committee on Public Buildings..	4 00
Mrs. Brayton, witness fees for Committee on Public Buildings..	4 00
A. J. Sanborn, witness fees for Committee on Public Buildings..	7 00
Dennis Jordan, witness fees for Committee on Public Buildings..	4 00
P. J. Casey, witness fees for Committee on Public Buildings....	7 00
F. A. Rutherford, witness fees for Committee on Public Build- ings .....	7 00
G. M. Blair, witness fees for Committee on Public Buildings....	3 00
J. O. Mahoney, expert for Committee on Public Buildings .....	100 00
A. M. Gray, expert for Committee on Public Buildings.....	100 00
J. J. Doyle, expert for Committee on Public Buildings.....	100 00
S. K. Welch, mileage.....	121 50
Charles C. Terrill, mileage .....	162 00
C. L. Thomas, mileage.....	121 50
John Simpson, mileage.....	121 50
J. W. McBride, mileage .....	121 50
W. J. Gurnett, mileage.....	121 50
J. N. Barton, mileage.....	121 50
W. J. Gurnett, for carriage hire.....	15 00
Gordon P. Cummings, witness.....	35 25
A. Higbie, mileage, on Land Monopoly Committee.....	35 10
Samuel Meyers, mileage, on Land Monopoly Committee.....	35 10
R. Klotz, mileage, on Land Monopoly Committee.....	35 10
A. L. Chandler, mileage, on Land Monopoly Committee .....	35 10
J. E. Murphy, mileage, on Land Monopoly Committee.....	35 10
J. B. Harrington, Sergeant-at-Arms for Committee on Land Monopoly .....	49 00

And your committee would recommend the passage of the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant upon the Contingent Fund of the Assembly, in favor of the

persons named in the above report of the Committee on Public Expenditures and Accounts, for the sums set opposite their names, and that the Treasurer be directed to pay the same.

MURPHY, Chairman.

Adopted.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Also, Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties.

Also, Assembly Bill No. 497—An Act to change the name of a county in this State.

Also, Assembly Bill No. 236—An Act to quiet titles to certain land in Yolo County.

Also, Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Also, Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Also, Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

Also, Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code.

Also, Assembly Concurrent Resolution No. 42—relative to the Yosemite Valley and Big Tree Grove.

Also, Assembly Bill No. 498—An Act to reincorporate the Town of Woodland.

BRADLEY, Chairman.

By Mr. Tully:

Mr. SPEAKER: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 475—An Act to annex a portion of Monterey County to Santa Cruz County—have had the same under consideration, and beg leave to report it back, with a recommendation that it do not pass.

Also, have considered Assembly Bill No. 398—An Act to create the County of Orange—and report the same back, with a recommendation that it be indefinitely postponed.

TULLY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and sev-



enty-four to, the Code of Civil Procedure—report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 424—An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code—report it back with amendments, and recommend its passage as amended.

WILLIAMS, Chairman.

By Mr. Norton:

Mr. SPEAKER: The Special Committee on the Political Code, to whom was referred Assembly Bills Nos. 410, 411, and 419, most respectfully report the same back, without recommendation.

NORTON, Chairman.

Mr. Long had leave to withdraw Assembly Bill No. 419, above reported.

Mr. Russell had leave to withdraw Assembly Bill No. 410 and Assembly Bill No. 411, above reported.

By Mr. Ables:

Mr. SPEAKER: The State Prison Committee, to whom was referred Assembly Bill No. 246—An Act to regulate and govern the California State Prison—have had it under consideration, and report the same back with amendments, and recommend its passage as amended.

ABLES, Chairman.

#### RESOLUTION.

By Mr. Friedenrich:

*Resolved*, That the San Francisco delegation be allowed a clerk; at the usual per diem, to be paid for out of the Contingent Fund of the Assembly.

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 6th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, indefinitely postponed Assembly Bill No. 118—An Act to provide for copying the mutilated maps on file in the office of the Recorder of the City and County of San Francisco.

Also, indefinitely postponed Assembly Bill No. 22—An Act to amend the Political Code by adding thereto certain sections, to be designated as sections three thousand three hundred and eighty-eight, three thousand three hundred and eighty-nine, three thousand three hundred and ninety, and three thousand three hundred and ninety-one.

Also, indefinitely postponed Assembly Bill No. 167—An Act for the protection and preservation of fish in the waters of the several bays and creeks of this State.

Also, passed Assembly Concurrent Resolution No. 34—relative to an

increase of service on Mail Route Number Forty-six Thousand Two Hundred and Sixty-five.

Also, passed Assembly Bill No. 393—An Act in relation to public schools in Marin County.

Also, passed Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.

Also, passed Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Also, passed Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel De Silva and brother, for maintaining a ferry.

Also, passed Assembly Bill No. 258—An Act relating to conveyances of real estate.

Also, passed Assembly Bill No. 257—An Act to add section eleven hundred and sixty-five to the Civil Code.

Also, passed Assembly Bill No. 260—An Act granting right of way to Sierra Iron Company.

Also, amended and passed Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno.

Also, passed Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of Los Nietos Collegiate Institute.

Also, passed Assembly Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano.

Also, on yesterday, passed Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Also, passed and ordered transmitted without engrossment, Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras.

Also, on this day, concurred in sundry amendments to Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara; but refused to concur in the amendment to section four of said bill.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 265, above reported, House refused to recede from its amendment to section four, and the Speaker appointed Messrs. Franck, Rea, and Hay on the part of the Assembly members of a Committee of Conference on the disagreement of the two Houses in reference thereto.

Assembly Bill No. 221, above reported, House refused to concur in Senate amendment.

Senate Bill No. 377, above reported, read first and second times, and referred to the Committee on Ways and Means.

#### RESOLUTIONS.

By Mr. Russell:

*Resolved*, That the Enrolling Clerk be authorized to enroll Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of lands sold to the State of California to enlarge the Capitol grounds—out of its order.

Adopted.

By Mr. Ferguson:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized to purchase for and deliver to each member five dollars worth of postage stamps, when ordered by any member; and the Controller is hereby directed to draw his warrant therefor, payable out of the Contingent Fund of the Assembly.

On motion of Mr. Paulsell to indefinitely postpone the resolution, the ayes and noes were demanded by Messrs. Williams, Paulsell, and Coggins, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Chandler, Clark, Cressler, Davis, Franck, Freeman, Freidenrich, Heald, Higbie, Klotz, Knox, Meyers, Morgan, Northcutt, Norton, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Swift, Welch, Williams, Winchell, and Mr. Speaker—32.

NOES—Messrs. Barton, Bowers, Byers, Byrnes, Canfield, Coggins, Dixon, Escandon, Fahey, Ferguson, Giffen, Gray, Gurnett, Hammitt, Hay, Howe, Hurlburt, Ingham, Kercheval, Long, McBride, McCallum, Miller, Murphy, Northup, Parker, Patterson, Peek, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Tully, and Wright—36.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Burt, Norton, and Pishon, and the House refused, by the following vote:

AYES—Messrs. Bowers, Byrnes, Canfield, Clark, Coggins, Dixon, Escandon, Fahey, Ferguson, Giffen, Gray, Gurnett, Hay, Howe, Hurlburt, Ingham, Kercheval, Long, Miller, Murphy, Northcutt, Northup, Parker, Peek, Russell, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, and Welch—32.

NOES—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Chandler, Cressler, Davis, Franck, Freeman, Freidenrich, Hamill, Hammitt, Heald, Higbie, Klotz, Knox, McBride, McCallum, Meyers, Morgan, Norton, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Simpson, Swift, Williams, Winchell, Wright, and Mr. Speaker—38.

By Mr. Meyers:

*Resolved*, That the Enrolling Clerk, when necessary, be allowed to have bills enrolled by others than himself and present appointees, at the rate of twenty cents per folio, and that he be required to keep a record

of all the enrolling done for the Assembly from date to the end of the session, giving the numbers of the bills, the number of folios in each, and by whom enrolled; and, also, that he be required to report the facts to the Committee on Rules and Employés, whenever called upon to do so.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bowers—An Act relating to the assessment of non-resident and unimproved land in the State of California.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. McCallum—An Act to provide for the purchase and construction of free bridges in Big Tree Township, County of Mendocino.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Paulsell—An Act amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Byrnes—An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

Read first and second times, and ordered on File.

By Mr. Coggins—An Act relating to taxation in the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Kercheval—An Act to provide for a thorough examination of the several Swamp Land Funds.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Meyers—An Act relating to the Supervisors of San Joaquin County.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Aldrich—An Act to repeal an Act entitled an Act to provide for the erection of a City Hall in the City and County of San Francisco, approved April fourth, eighteen hundred and seventy, and to provide for the settlement of the affairs of the Board of Commissioners thereby created.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Patterson—An Act to establish a children's home in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Freeman—An Act to provide for the payment of an outstanding warrant, drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Also, an Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hay—An Act in relation to stock roads.

Read first and second times, and referred to the Committee on Roads and Highways.

By Mr. Heald—An Act to authorize the transfer and loan of certain funds in Solano County.

Read first and second times, and ordered on File.

By Mr. Swift—An Act to establish and define the powers and duties of the Board of Education of the City and County of San Francisco, and to repeal former Acts regulating the same, and to confer further powers upon the Auditor and Treasurer of said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Tully—An Act to authorize C. H. Reynolds to sue the State of California, and provide for the payment of any judgment which he may obtain.

Read first and second times, and referred to the Committee on Claims.

#### REPORTS.

Mr. Miller had leave to make the following report:

MR. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due various committees, to wit: special committee to investigate cause of the delay in trial and decisions of the Courts of this State, and joint committee on University matters, beg leave to report the following allowance due members thereof:

<i>Special committee on Court matters.</i>	
John F. Swift, two hundred and thirty-four miles.....	\$35 10
W. C. Norton, two hundred and thirty-four miles.....	35 10
G. E. Williams, two hundred and thirty-four miles.....	35 10
Chas. C. Terrill, two hundred and thirty-four miles.....	35 10
<i>Joint Committee on University.</i>	
Samuel Meyers, two hundred and eighty miles.....	42 00
W. Canfield, two hundred and eighty miles .....	42 00
Tinnin, two hundred and eighty miles.....	42 00
Amerman, two hundred and eighty miles.....	42 00

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

Adopted.

## LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Gilmore of El Dorado.

## CONCURRENT RESOLUTION.

Mr. Coggins had leave to introduce a concurrent resolution relative to the Supreme Court of the State.

Read first and second times, and referred to the Judiciary Committee.

## REPORT.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco—have had the same under consideration, and have amended it, and do hereby respectfully report it back, with the recommendation that it pass as amended.

Also, Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two—was had under consideration, and is hereby reported back, with the recommendation that it pass.

SWIFT, Chairman.

## GENERAL FILE.

Senate Bill No. 230—An Act to make women eligible to educational offices.

Mr. Tinnin moved to make the bill the special order for Friday next, at four o'clock p. m., on which the ayes and noes were demanded by Messrs. Barton, Coggins, and Cressler, and the House refused, by the following vote:

AYES—Messrs. Bryan, Byrnes, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gurnett, Hamill, Hammitt, Kercheval, Klotz, McBride, Morgan, Northup, Parker, Paulsell, Rogers, Stowers, Summers, Tinnin, and Williams—22.

NOES—Messrs. Ables, Aldrich, Barton, Bradley, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Franck, Freeman, Gray, Heald, Higbie, Howe, Hurlburt, Ingham, Knox, Long, McCallum, Meyers, Miller, Murphy, Northcutt, Norton, Patterson, Peek, Pelham, Pishon, Rea, Roush, Russell, Simpers, Simpson, Snyder, Swift, Terrill, Thomas, Tully, Wickware, Winchell, Wright, and Mr. Speaker—47.

On the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Coggins, Summers, and Barton, and the House refused, by the following vote:

AYES—Messrs. Bryan, Burt, Byers, Byrnes, Clark, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Ferguson, Giffen, Gray, Hamill, Kercheval, McBride, Miller, Morgan, Northup, Parker, Paulsell, Peek,

Pishon, Rogers, Roush, Simpers, Summers, Tinnin, Welch, and Wright—31.

NOES—Messrs. Ables, Aldrich, Barton, Bradley, Canfield, Chandler, Coggins, Cressler, Freidenrich, Gurnett, Heald, Higbie, Howe, Hurlburt, Ingham, Klotz, Knox, Long, McCallum, Meyers, Murphy, Northcutt, Norton, Patterson, Pelham, Rea, Russell, Simpson, Snyder, Swift, Terrill, Thomas, Tully, Wickware, Williams, Winchell, and Mr. Speaker—37.

At eleven o'clock and fifty-seven minutes A. M., on motion of Mr. Hurlburt, the time for recess was extended twenty minutes.

On the passage of Senate Bill No. 230, the ayes and noes were demanded by Messrs. Paulsell, Tinnin, and Terrill, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Canfield, Chandler, Coggins, Cressler, Freidenrich, Hamill, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Klotz, Knox, Long, McCallum, Meyers, Northcutt, Norton, Patterson, Pelham, Rea, Russell, Simpson, Snyder, Swift, Terrill, Tinnin, Thomas, Tully, Wickware, Williams, Winchell, and Mr. Speaker—39.

NOES—Messrs. Bryan, Burt, Byers, Byrnes, Clark, Davis, Dixon, Fahey, Franck, Freeman, Ferguson, Giffen, Gray, Hammitt, Hay, Kercheval, McBride, Miller, Morgan, Murphy, Northup, Parker, Paulsell, Peek, Pishon, Rogers, Roush, Simpers, Summers, Welch, and Wright—31.

Mr. Tinnin gave notice that he would, on to-morrow, move to reconsider the vote by which the House to-day passed Senate Bill No. 230.

#### RESOLUTION.

Mr. Stowers had leave to introduce the following:

*Resolved*, That when this House adjourns, it adjourns to meet at two o'clock and thirty minutes P. M., on Monday, the ninth instant.

Adopted.

At twelve o'clock and eight minutes P. M., Mr. Thomas moved to adjourn.

On which, the ayes and noes were demanded by Messrs. Miller, Murphy, and Hay, and the House refused, by the following vote:

AYES—Messrs. Giffen, Hamill, Hay, Hill, Kercheval, McCallum, Miller, Morgan, Murphy, Paulsell, Stowers, Swift, and Terrill—13.

NOES—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Fahey, Freeman, Freidenrich, Ferguson, Hammitt, Heald, Higbie, Howe, Ingham, Klotz, Knox, McBride, Meyers, Northcutt, Northup, Norton, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Thomas, Tully, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—50.

At twelve o'clock and eleven minutes P. M., on motion of Mr. Coggins, the House took a recess until one o'clock P. M.

## REASSEMBLED.

At one o'clock p. m. the House reassembled.

Speaker in the chair.

Roll called; no quorum present.

On motion of Mr. Bradley, a call of the House was ordered; the doors were closed, the roll again called, and the following members responded as their names were called:

Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Chandler, Coggins, Cressler, Davis, Escandon, Freeman, Gray, Hammitt, Hay, Higbie, Hill, Howe, Ingham, Kercheval, Klotz, Knox, McCallum, Murphy, Patterson, Pishon, Rea, Rogers, Russell, Simpers, Snyder, Summers, Terrill, Thomas, Wickware, Winchell, and Mr. Speaker.

Mr. Tully was, on motion, excused on account of illness in his family.

The Sergeant-at-Arms brought before the House the absentees, when certain of them were excused, and a quorum being present, on motion of Mr. Bradley, further proceedings under the call were dispensed with.

## GENERAL FILE.

Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Read a third time, and passed.

Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure.

Read a third time, and passed.

Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

Ordered to head of the File for Tuesday next.

## REPORT.

Mr. Hay had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California to enlarge the Capitol grounds, the balance of the purchase price of said lands—and that the same was, this seventh day of March, eighteen hundred and seventy-four, at one o'clock and fifteen minutes p. m., transmitted to the Governor, for his approval.

HAY, Chairman.

## GENERAL FILE RESUMED.

Assembly Bill No. 500—An Act to provide the Superintendent of Public Instruction with a Secretary.

Taken from the File, and re-referred to the Committee on Education.

Assembly Bill No. 532—An Act to separate the office of County Recorder from that of County Clerk in Santa Barbara County.



Taken up out of order, rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Taken from the File, and re-referred to the San Francisco delegation.

Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite Grant.

Ordered second on the File for Tuesday next.

Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure.

Read a third time, and passed.

Substitute for Assembly Bill No. 261—An Act to amend section thirty-four hundred and eighty-two of the Political Code.

Read a third time, and passed.

Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections.

Read a third time, and passed.

Substitute for Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.

Read a third time, and passed.

Assembly Concurrent Resolution No. 39—to abolish tariff on quick-silver.

Read a third time, and passed.

Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California.

Read a third time, and passed.

Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Read a third time, and passed.

Mr. Murphy gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on this day, passed Assembly Bill No. 147.

Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Read a third time, and passed.

Assembly Bill No. 264—An Act to amend section twenty-nine hundred and fifty-five of the Civil Code.

Read a third time, and passed.

Assembly Bill No. 274—An Act to amend section five hundred and ninety five of the Code of Civil Procedure.

Read a third time, and passed.

Substitute for Assembly Bill No. 213—An Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Read a third time, and passed.

Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress concerning homes for Mission Indians in California.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Senate Concurrent Resolution No. 47—against granting further subsidy to the Pacific Mail Steamship Company's line to China.  
Read a third time, and passed.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 7th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth day of March, A. D. eighteen hundred and seventy-four, amended and passed Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco.

T. J. SHACKLEFORD,  
Secretary.

SENATE CHAMBER,  
March 7th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the seventh day of March, A. D. eighteen hundred and seventy-four, passed, under suspension of the rules, Assembly Bill No. 287—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

T. J. SHACKLEFORD,  
Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 173, above reported, Senate amendments concurred in.

#### INTRODUCTION OF BILL.

Mr. Tully had leave to introduce an Act to extend the provisions of the trespass law to San Benito County.

Read first and second times, and, by unanimous consent, considered engrossed, read a third time, and passed.

On motion of Mr. Tully, the House took up, out of its order, Assembly Bill No. 389—An Act for the relief of James P. Sargent.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Murphy in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Terrill, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 389, above reported from Committee of the Whole, rules suspended, bill considered engrossed, read a third time, and passed.

At two o'clock and twenty-two minutes P. M., on motion of Mr. Thomas, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, March 9th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

LEAVE OF ABSENCE.

Leave of absence for one day was granted to Messrs. Klotz, Ingham, Byrnes, Long, Franck, Chandler, and Swift, and indefinite leave of absence to Mr. Wright.

REPORTS.

Reports were made as follows:

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 400—An Act to prevent unjust discrimination by railroad and other transportation companies in the rates charged for the transportation of passengers and freights, and for other purposes.

Also, Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo.

Also, Assembly Bill No. 340—An Act to provide funds for the City of Oakland.

Also, Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin.

Also, Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County.

Also, Assembly Bill No. 506—An Act concerning roads in the County of Butte.

Also, Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Also, Assembly Bill No. 515—An Act for the relief of William T. Williams, late District Attorney for Santa Barbara County.

BRADLEY, Chairman.

By Mr. Higbie, from the Committee on Education.

On motion, the report was ordered printed.

By Mr. Burt:

Mr. SPEAKER: The Committee on Mines and Mining Interests, to whom was referred Assembly Bill No. 414—An Act to regulate the measurement of water when sold for mining purposes—have considered the same, and report it back, recommending that it do not pass.

S. B. BURT, Chairman.

By Mr. McBride:

Mr. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 385—An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one—beg leave to report the same back with an amendment, and recommend its passage as amended.

J. W. McBRIDE, for Delegation.

By Mr. Welch:

Mr. SPEAKER: The Napa delegation, to whom was referred Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa—report the same back, and recommend its passage.

WELCH, for Delegation.

By Mr. Morgan:

Mr. SPEAKER: The Plumas and Sierra delegations, to whom was referred Senate Bill No. 81—An Act to amend section three thousand nine hundred and twenty-one of the Political Code—have had the same under consideration, and report it back, and recommend its passage.

MORGAN, for Delegation.

By Mr. Welch:

Mr. SPEAKER: The Lake County delegation, to whom was referred Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes—beg leave to report the same back with a substitute, and recommend the passage of the substitute.

WELCH, for Delegation.

By Mr. Bowers:

Mr. SPEAKER: The San Diego delegation, to whom was referred Senate Bill No. 354, report the same back, and recommend its passage.

BOWERS, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 7th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 317—An Act declaring Alameda Creek, in the County of Alameda, a navigable stream, and providing for the removal of obstructions therefrom.

Also, Assembly Bill No. 330—An Act concerning public roads and highways in the County of Monterey.

Also, Assembly Bill No. 312—An Act supplementary to an Act to establish a paid fire department in the City of Sacramento, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 392—An Act to repeal an Act entitled an Act concerning roads and highways in the Counties of Plumas and Lassen.

Also, Assembly Bill No. 376—An Act to provide for the improvement of the roadway leading to the Sacramento City Cemetery.

Also, Assembly Bill No. 360—An Act concerning the terms of office and the times of meeting of the Supervisors of Yolo County.

Also, Assembly Bill No. 321—An Act to prevent hogs, horned cattle, goats, and horses from running at large in the Town of Martinez, Contra Costa County.

Also, Assembly Bill No. 322—An Act to provide for the issuance of bonds of the County of Marin for the payment of the outstanding indebtedness of said county for road and bridge purposes.

Also, Assembly Bill No. 280—An Act to change the road law of Kern County.

Also, Assembly Bill No. 116—An Act to amend the Penal Code by adding a section, to be designated as section seven hundred and ninety-five, relating to the trial of certain cases.

NEWTON BOOTH,  
Governor.

RECONSIDERATION.

Pursuant to notice, Mr. Tinnin moved to reconsider the vote by which the House, on Saturday, passed Senate Bill No. 230—An Act to make women eligible to educational offices.

Mr. Coggins moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Kercheval, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bradley, Byers, Canfield, Carter, Coggins, Cowdery, Cressler, Freidenrich, Hammitt, Heald, Higbia, Hurlburt, Knox, McCallum, Meyers, Morgan, Norton, Patterson, Rea, Russell, Simpson, Terrill, Thomas, Tully, Wickware, Winchell, and Mr. Speaker—30.

**NOES**—Messrs. Bowers, Bryan, Burt, Clark, Davis, Dixon, Escandon, Fahey, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hill, Howe, Kercheval, McBride, Miller, Murphy, Northup, Parker, Paulsell, Peek, Pelham, Pishon, Rogers, Roush, Simpers, Snyder, Stowers, Summers, Tinnin, Venable, Welch, and Williams—38.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Paulsell, Coggins, and Kercheval, and the House refused, by the following vote:

**AYES**—Messrs. Bryan, Burt, Clark, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hill, Howe, Kercheval, McBride, Miller, Murphy, Northup, Parker, Paulsell, Peck, Pelham, Pishon, Rogers, Roush, Simpers, Stowers, Summers, Tinnin, Venable, Welch, and Wright—35.

**NOES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Byers, Canfield, Carter, Coggins, Cowdery, Cressler, Freeman, Freidenrich, Hammitt, Heald, Higbie, Hurlburt, Knox, McCallum, Meyers, Morgan, Northcutt, Norton, Patterson, Rea, Russell, Simpson, Snyder, Terrill, Thomas, Tully, Wickware, Williams, Winchell, and Mr. Speaker—36.

#### REPORT.

Mr. Gurnett had leave to make the following report:

**MR. SPEAKER:** The Alameda delegation, to whom was referred Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer—would report the same back, and recommend its passage.

GURNETT,  
AMERMAN.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }  
March 7th, 1874. }

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate, on the third day of March, eighteen hundred and seventy-four, passed Senate Bill No. 262—An Act to provide for the payment of attorneys' fees.

Also, on March fourth, passed Senate Bill No. 274—An Act in relation to the revision of the laws.

Also, on March fifth, passed Senate Bill No. 342—An Act concerning the selection and sale of University lands.

Also, on March sixth, passed Senate Bill No. 158—An Act for the relief of John Hoagland and others.

Also, this day, passed Senate Bill No. 308—An Act to amend an Act to establish a Code of Civil Procedure.

Also, passed Assembly Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

Also, passed Senate Bill No. 50—An Act regulating public highways in the County of Colusa.

Also, adopted Assembly Concurrent Resolution No. 53—requesting the Governor to return Assembly Bill No. 313, for correction of clerical error.

Also, that the Senate appointed as Committee of Conference on Senate Bill No. 250, Senators Farley, Tuttle, and Dyer.

Also, adopted the report of the Committee of Conference on Assem-

bly Bill No. 241—An Act to regulate salaries of certain county officers in the County of Sonoma.

Also, concurred in Assembly amendment to Senate Bill No. 164—An Act to incorporate the City of Santa Barbara.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 9th, 1874. }

Mr. SPEAKER: I am directed to respectfully inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 50, above reported, read first and second times, and referred to the Colusa and Tehama delegations.

Senate Bill No. 158, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 342, above reported, read first and second times, and referred to the Committee on State University.

Senate Bill No. 308, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 274, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 262, above reported, read first and second times, and referred to the Committee on Claims.

Assembly Bill No. 102, reported from the Senate with amendments, by unanimous consent referred to the Judiciary Committee to consider the Senate amendments.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Murphy—An Act to define the amount of land described in certain patents.

Read first and second times, and referred to the Committee on Public Lands.

By Mr. Gilmore of Calaveras—An Act to protect agriculture in the County of Calaveras.

Read first and second times, and ordered on File.

By Mr. Terrill—An Act to open and establish a public street in the City and County of San Francisco, to be called "Western Avenue," and to take private lands therefor.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Aldrich—An Act to legalize certain assessments for street work done in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Norton—An Act to amend section six hundred and seventy-nine of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Patterson—An Act to supply the City and County of San Francisco with gas.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Meyers—An Act to amend an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Welch—An Act to regulate the salaries and fix the compensation of the present county officers of Napa County.

Read first and second times, and referred to the Napa delegation.

By Mr. Miller—An Act to provide for the payment of certain indebtedness of the State to the late State Printer.

Read first and second times, and referred to the Committee on Printing.

By Mr. Tully—An Act to declare Moro Cojo Slough, in Monterey County, navigable.

Read first and second times, and referred to the Monterey delegation.

#### REPORT.

Mr. McBride had leave to make the following report:

MR. SPEAKER: The Conference Committee, to whom was referred the matter of disagreement between the two Houses on Senate Bill No. 250—An Act to protect the County Treasuries of certain counties—have had the same under consideration, and after a careful examination of the causes of disagreement, have recommended the following amendment to the second Assembly substitute: Amend by inserting in first line, after the word "Siskiyou," the words "Calaveras, Amador, and Alpine," and recommend the passage of the said substitute as amended, and that the title be amended to read as in the original bill.

J. T. FARLEY,  
B. F. TUTTLE,  
B. DYER,  
Senate Committee.

J. W. McBRIDE,  
J. W. FERGUSON,  
WM. T. CRESSLER,  
Assembly Committee.

The above report was adopted.

Mr. Amerman had leave to withdraw from the File Assembly Bill No. 449—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure.



## PETITION.

Mr. Ferguson had leave to present a remonstrance from the citizens of Tulare County, against any change in the trespass law.

Referred to the Committee on Agriculture.

At four o'clock and thirty-six minutes P. M., on motion of Mr. Howe, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk. .

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, March 10th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Freeman.

## PETITION.

By Mr. Ferguson—from citizens of Tulare County, protesting against any change in the trespass law.

Referred to the Committee on Agriculture.

Mr. Ferguson had leave to withdraw Assembly Bill No. 505—An Act to authorize the Board of Supervisors of Fresno County to extend the time for the completion of certain improvements.

## REPORTS.

Reports were submitted as follows:

By Mr. Amerman:

MR. SPEAKER: The special committee to whom was referred Substitute for Assembly Bill No. 449—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure—respectfully report the same back, and recommend its passage.

Your committee would further report that the bill has been submitted to the Judiciary Committee of the House, and the same meets with their approval, and they unite with the special committee in recommending its passage.

Your special committee would further recommend that said bill be considered immediately, so as that it will no longer cumber the Files.

AMERMAN, for Committee.

Substitute for Assembly Bill No. 449, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Terrill:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bills Nos. 252, 359, 520, and 536—beg leave to report the same back with amendments, and recommend their passage as amended.

TERRILL, for Delegation.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

Also, Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park.

Also, Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress concerning home for Mission Indians in California.

Also, Assembly Bill No. 557—An Act to extend the provisions of the trespass law to San Benito County.

Also, Assembly Bill No. 389—An Act for the relief of James P. Sergeant.

Also, Assembly Bill No. 532—An Act to separate the office of County Recorder from that of County Clerk in Santa Barbara County.

BRADLEY, Chairman.

By Mr. Meyers:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 563—An Act to amend an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four—have had the same under consideration, and beg leave to report it back, and recommend its passage.

MEYERS,  
PAULSELL.

Assembly Bill No. 563, above reported, taken up by unanimous consent, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. McCallum:

Mr. SPEAKER: The Mendocino delegation, to whom was referred Assembly Bill No. 543—beg leave to report the same back, and recommend its passage.

McCALLUM.

By Mr. Welch:

Mr. SPEAKER: The Napa delegation, to whom was referred Assembly Bill No. 564—An Act to regulate the salaries and fix the compensation

of the present county officers of Napa County—beg leave to report the same back with amendments, and recommend its passage as amended.

WELCH, for Delegation.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 332—An Act to create a permanent Commission on law codification—and report it back, and recommend its passage.

Also, Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety seven, to an Act entitled an Act to establish a Penal Code—and report the same back, and recommend its passage.

Also, Assembly Bill No. 403—An Act in relation to the Political Code—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 502—An Act to add two additional sections to the Penal Code—and report it back, and recommend its passage.

WILLIAMS, Chairman.

Also, by the same:

MR. SPEAKER: The Committee on Judiciary have duly considered Assembly Bill No. 15—providing for the removal of the Supreme Court from Sacramento to Oakland, in Alameda County—and recommend the passage of the annexed bill as a substitute, which provides that two of the four terms of the Supreme Court, to wit: the January and July terms, shall be held at San Francisco, and the remaining terms, to wit: the April and October terms, shall be held at Sacramento, and assign the following reasons therefor: The convenience of business requires it. A certified statement made by the Clerk of the Supreme Court, of the business of that Court, has been submitted to your committee, which shows that during the year commencing October first, eighteen hundred and seventy-two, and ending September twentieth, eighteen hundred and seventy-three, five hundred and twenty-seven cases on appeal were filed in that Court, of which one hundred and seventy were appealed from San Francisco; two hundred and sixty-three from the Bay counties, to wit: Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco; and eighty-four from the counties south of Santa Clara, to wit: Kern, Los Angeles, Monterey, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Santa Cruz, Tulare, and Inyo Counties. It thus appears that one third of the cases on appeal comes from San Francisco, and over three fifths of such cases come from the Bay and southern counties named. It appears to be generally conceded by lawyers throughout the State, that at least two terms of the Court should be held at San Francisco, and petitions have been submitted to your committee from the entire Bar of San Francisco, and from the respective Bars of almost all the counties above named, and in addition, from the coast counties, San Joaquin, and most of the interior counties, and some of the mountain counties—counties from which come four fifths of the business of the Supreme Court—urging the measure as a matter of convenience to the Bar and economy to litigants in those

counties. Of the five hundred and twenty-seven cases appealed during the year mentioned (and that is given as a fair average of other years), two hundred and thirty-two were represented by attorneys from San Francisco. From the time and expense required to attend and argue these cases at Sacramento, instead of San Francisco, where the attorneys reside, it is fair to assume that each case would cost the litigant at least one hundred dollars more than it would if argued where the attorneys reside, thus showing an unnecessary expense of twenty-three thousand dollars each year to litigants in that locality alone. It is believed that this will expedite the transaction of the business of the Supreme Court. As it is, the Supreme Court only sits for a few days during the July term, for the purpose of disposing of the criminal calendar, and then adjourns. Thus one of the four terms of each year is almost entirely lost. By holding the January and July terms at San Francisco, an additional term is practically gained. The change contemplated is by no means exceptional. In New York the Court of Appeals holds its terms at Albany and at New York City. In Iowa the Supreme Court holds terms in three places. In Missouri the Supreme Court holds terms in three places—the Capital of the State, St. Louis, and St. Joseph. Similar provisions as to holding the terms of the Court of last resort, exist in Maine, Virginia, Pennsylvania, and other States. In fact, the principal object in fixing the location of the Court, is and should be to enlarge its usefulness, to save expense to litigants, and to meet the convenience of the Bar and litigants. The Substitute Bill is therefore recommended, as tending to advance these ends in a much higher degree than the present condition of things.

WILLIAMS, Chairman.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Substitute for Assembly Bill No. 114—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo, and Benicia—beg leave to report the same back, with the recommendation that it do not pass.

ALDRICH, Chairman.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties in the State of California;

Also, Assembly Bill No. 136—An Act to amend the Political Code of the State of California;

Also, Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County;

Also, Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey;

Also, Assembly Bill No. 237—An Act to protect agriculture in the County of Butte;

Also, Assembly Bill No. 124—An Act to allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, Missouri;

And that the same were, on the ninth day of March, eighteen hundred

and seventy-four, at four o'clock and twenty minutes P. M., delivered to the Governor, for his approval.

HAY, Chairman.

By Mr. Byrnes:

MR. SPEAKER: The Committee on Internal Improvements have had under consideration Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five, approved April fourth, eighteen hundred and seventy—report the same back, and recommend its passage.

Also, Senate Bill No. 218—An Act to repeal an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two—beg leave to report the same back, and recommend its passage.

BYRNES, Chairman.

#### RESOLUTIONS.

By Mr. Tinnin:

*Resolved*, That the Chairman of the Committee on Corporations be requested to report back to this House Senate Bill No. 276 immediately, and without recommendation.

Adopted.

On motion of Mr. Murphy, Assembly Bill No. 44, now in the hands of the Committee on Corporations, was made the special order for one o'clock P. M.

By Mr. Pelham:

*Resolved*, That the Secretary of State be and he is hereby requested, on or before the close of the Legislature, to furnish each member of this Assembly with an itemized statement of all stationery and other articles furnished such members during the session.

Adopted.

By Mr. Tinnin:

*Resolved*, That as this House has adopted a rule for retrenchment in postage stamps, that the retrenchment should be carried further, that the custom of allowing private clerks to delegations, to be paid for out of the public funds, is contrary to public policy, and subversive of the reform reputation of this House; therefore, be it

*Resolved*, That the resolution passed by this House on Saturday, March seventh, eighteen hundred and seventy-four, allowing the San Francisco delegation a clerk, be and is hereby rescinded.

Laid on the table.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wright—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

Read first and second times, and referred to the Sonoma delegation.

By Mr. Rea—An Act to reincorporate the City of San José.

Read first and second times, by unanimous consent taken up, rules suspended, bill considered engrossed, read a third time, passed, and ordered immediately transmitted to the Senate without engrossment.

By Mr. Morgan—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

Read first and second times, and referred to the Sierra delegation.

By Mr. Chandler—An Act to incorporate the Town of Yuba City.

Read first and second times, and ordered on File.

Also, an Act concerning roads and highways in the County of Sutter.

Read first and second times, and referred to the Sutter delegation.

By Mr. Ferguson—An Act for the relief of John Timmins.

Read first and second times, and referred to the Committee on Claims.

By Mr. Heald—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty sixth, eighteen hundred and sixty-six.

Read first and second times, and ordered on File.

By Mr. Swift—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Swift—An Act providing for the establishment and maintenance, in the City and County of San Francisco, of a State Female Hospital.

Read first and second times, and referred to the Committee on Hospitals.

By Mr. Norton—An Act to amend sections ten hundred and twenty-eight, forty-three hundred and thirty-three, and twenty-two hundred and twenty-one of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Norton—An Act to add another section to the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Howe—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Long—An Act granting leave of absence to J. J. Welch, Sheriff of Mono County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Aldrich—An Act to provide for the relief of Elza Lite Scott, Andrew B. McCreery, Peter J. Donahue, and Margaret Donahue.

Read first and second times, and referred to the San Francisco delegation.

#### GENERAL FILE.

Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

[Speaker pro tem., Mr. Howe, in the chair.]

At eleven o'clock and fifty-eight minutes A. M., on motion of Mr. Cowdery, the time for recess was extended fifteen minutes.

At twelve o'clock and fourteen minutes P. M., on motion of Mr. Estee, the time for recess was extended fifteen minutes.

Mr. Freidenrich offered the following amendment to subdivision five, of section fifteen hundred and twenty-one: "Except in the City and County of San Francisco."

On the adoption of which, the ayes and noes were demanded by Messrs. Norton, Barton, and Gilmore of El Dorado, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Coggins, Cressler, Davis, Escandon, Freidenrich, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Klotz, Long, McCallum, Meyers, Miller, Murphy, Northup, Paulsell, Peek, Pelham, Rea, Rogers, Simpers, Simpson, Snyder, Swift, Terrill, Tinnin, Thomas, Welch, Wickware, Williams, Wright, and Mr. Speaker—40.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Carter, Chandler, Clark, Cowdery, Dixon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hill, Kercheval, Knox, Morgan, Northcutt, Norton, Parker, Roush, Russell, Stowers, Summers, Venable, and Winchell—31.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Murphy, the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands—which, on motion of Mr. Murphy, was made the special order for to-morrow, at one o'clock.

On motion of Mr. McCallum, the second special order, Senate Bill No. 44, was postponed until after the House shall have disposed of Senate Bill No. 56—An Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California.

[Speaker pro tem., Mr. Howe, in the chair.]

The printed substitute was adopted, amended, and, on its passage, the ayes and noes were demanded by Messrs. Norton, Cowdery, and Terrill, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell,

Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, Wright, and Mr. Speaker—72.

NOES—Messrs. Ables and Cowdery—2.

The Speaker announced the receipt of a report from the State Controller, relative to swamp lands, which was referred to the Committee on Swamp and Overflowed Lands.

#### REPORTS.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The Committee on Corporations, in accordance with the resolution passed by the House this day, requesting them to report back without recommendation Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon—do hereby respectfully report the same back, without recommendation, as requested.

SWIFT, Chairman.

Senate Bill No. 276, above reported, was, on motion of Mr. Tinnin, made the special order for consideration immediately after Senate Bill No. 44 shall have been disposed of.

Mr. Hay had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 100—An Act to legalize and ratify Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Number Thirty-five, passed and approved by the Board of Trustees in the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three;

Also, Substitute for Assembly Bill No. 201—An Act concerning certain lands situate within and belonging to the City and County of San Francisco;

Also, Assembly Bill No. 445—An Act to legalize the act of the Board of Trustees of Susanville School District in borrowing money, and to provide for the payment of the same;

Also, Assembly Bill No. 342—An Act ratifying and confirming the action of the City Council of the City of Oakland, for the relief of W. W. Foote;

Also, Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy;

Also, Assembly Bill No. 372—An Act to protect agriculture and to prevent the trespassing of animals upon private property in the County of Yolo;

Also, Assembly Bill No. 303—An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, Sonoma County, to Pine Flat, in said county;

Also, Assembly Concurrent Resolution No. 34—relative to an increase



of service on Mail Route' Number Forty-six Thousand Two Hundred and Sixty-five;

Also, Assembly Bill No. 393—An Act in relation to public schools in Marin County;

Also, Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa;

Also, Substitute for Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in certain counties of this State, approved March sixteenth, eighteen hundred and seventy, so far as it relates to Santa Clara County;

Also, Assembly Bill No. 350—An Act to authorize the Board of Supervisors of Mariposa County to allow compensation to Manuel de Silva and brother for maintaining a ferry;

Also, Assembly Bill No. 258—An Act relating to conveyances of real estate;

Also, Assembly Bill No. 257—An Act to add section eleven hundred and sixty five to the Civil Code;

Also, Substitute for Assembly Bill No. 260—An Act granting right of way to the Sierra Iron Company;

Also, Assembly Bill No. 265—An Act to confer further powers and privileges upon the Trustees of the Los Nietos Collegiate Institute;

Also, Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno;

Also, Assembly Bill No. 149—An Act amendatory of and supplemental to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 271—An Act for the relief of Center School District, County of Solano;

Also, Substitute for Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom;

Also, Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco;

And that the same were, this tenth day of March, eighteen hundred and seventy-four, at twelve o'clock and twenty minutes P. M., transmitted to the Governor for his approval.

HAY, Chairman.

Mr. Swift made the following report:

MR. SPEAKER: The special committee to whom was referred Senate Bill No. 44—An Act to add two sections to the Political Code of California—have had the same under consideration, and beg leave to make the following special report:

Your committee find that said bill, as referred to them, provided for an election by joint vote of both Houses of the Legislature, of three State Harbor Commissioners, to take the place, respectively, of the present incumbents of those offices, viz: Lewis Cunningham, Samuel Soule, and Thomas D. Mathewson, who are now, and have been for a period of about twelve months past, exercising said offices by virtue of appointment by the Governor.

Your committee, upon careful examination made, find that it is inexpedient as a matter of policy to remove said officers at this time, for reasons that will hereinafter appear. And they also beg leave to report

that the election to the office of State Harbor Commissioner in the manner named, to wit: by joint vote of both Houses of the Legislature, is in violation of the letter and spirit of the Constitution, and that it should not be done.

The more fully to show the impolicy of removing the said officers in the manner mentioned, as well as the unconstitutionality thereof, your committee beg leave to make the following statement, showing something of the workings of said Commission under the present Board, and to compare it with that of the former Board; and accompanying it we present a report upon the actual provisions of the Constitution bearing upon the subject, whereby it will appear that such offices cannot lawfully be filled by the Legislature by joint vote of both Houses, as is proposed in said bill. The following is a statement showing the income to the State from the water-front of San Francisco under the present Commissioners, compared with that under the old Board:

<i>Comparisons taken from the books of the Board of State Harbor Commissioners.</i>	
Average monthly remittance to the State Treasurer, from July 1st, 1870, to May 1st, 1872, twenty-two months, and while the rates of dockage, tolls, and wharfage were double the present rates.....	\$11,347 92
Average monthly remittance to the State Treasurer, after the rates were reduced, from June 1st, 1872, to November 1st, 1872, five months, under the old Board.....	3,529 93
Average monthly remittance to the State Treasurer, after the investigation of the office commenced, from November 1st, 1872, to July 1st, 1873, eight months.....	8,952 87
Average monthly remittance to the State Treasurer, under the present Board, from July 1st, 1873, to March 1st, 1874, eight months.....	13,237 14

The engineer reports that the wharves are now in better condition than they have been at any time within the last four years. The repairs now in progress, and those contemplated in the immediate future, are confined to three wharves, two of which are unimportant; and the whole expense likely to be incurred therefor will not exceed six thousand dollars.

The following is a statement of cash in the hands of the State Treasurer:

To the credit of Harbor Protection Fund.....	\$66,034 98
To the credit of State Wharf and Dock Fund.....	64,693 83
Total.....	\$130,728 81

J. A. McCLELLAND, Secretary.

The following is an abstract of the constitutional provisions bearing upon the appointing and electing power of the legislative body, from which it is shown that the election or appointment of State Harbor Commissioners, by the Legislature, is a violation of the letter and spirit of the organic laws of this State.

The functions of government in England, and in the various States of this Union, have been long distributed between the legislative, the judicial, and the executive branches of the system, and to preserve the boundary lines between these departments, and restrict each within the exact limits of its own peculiar sphere, has been deemed by the wisest statesmen to be essential to the successful working, and even to the ultimate continuance and preservation of our institutions.

This has been accomplished in England, as well as in most of the States of this Union, without an express constitutional provision requiring it. But the framers of our organic law were not content to let so important a principle remain, in mere opinion, based upon tradition and acknowledged usefulness, but took care to establish it upon the firm foundation of a constitutional decree.

Article III of the Constitution reads as follows:

"SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted."

It has been contended by the friends of the measure under consideration, that the foregoing provision of the Constitution goes no farther than to prohibit the naming of the officers, by name, in the Act creating the office; but we think this is a distinction without a difference, and that the electing of officers by the same body that creates the office, is but a circuitous and indirect way to accomplish the same unlawful and unconstitutional end, and equally dangerous to the public interests.

In England, from whence we derive our system of laws, the appointment of officers in the executive and judicial departments, and in the superior branch of the Legislature—the House of Lords—is and always has been a function of the Chief Executive. It is a prerogative of the Crown. Members of Parliament alone are elected by the people—being legislators, and not officers, within the ordinary meaning of that term.

The Federal Constitution, Article II, section one, declares that the executive power shall be vested in the President of the United States. And in the exercise of the executive power the President has always appointed the officers under the Federal Government.

Article V, section one, of the Constitution of California, in even stronger and more energetic terms, provides that "the supreme executive power of the State shall be vested in the Governor." This clause, standing alone, would place the complete and undivided power of appointment to office in that functionary, and, except where he has been restrained by positive enactment, he may appoint all officers. It remains, therefore, to examine what restrictions, if any, have been placed upon his appointing power.

The Constitution of California provides for the selection or nomination of citizens to office, in three different modes:

First—By appointment; that is to say, by the Governor, or Chief

Executive, or head of a department, in analogy to the action of the President or other head of the State, nominating the individual to be appointed, and conferring the office upon him by virtue of power vested by law in such appointing officer.

Second—By election; and of elections we have to report as follows: The Constitution of California clearly recognizes and provides for two kinds of elections, namely:

First—"Elections by the people"—that is to say, by all qualified voters; and which election shall invariably be by ballot, according to section six of Article II, and at which, a plurality of votes shall constitute a choice, according to section twenty of Article XI, and under which the Governor, State officers, Judges, and almost all important offices are filled, except in case of accidental vacancy between elections, when appointment is resorted to provisionally; and,

Second—"By joint vote of both Houses of the Legislature;" which mode of election is the only one provided for that body to exercise, and, upon reason and analogy, the only one possible for it to act upon.

Such election is not to be had by ballot, like elections by the people, but must be viva voce, and the votes must be entered on the Journal, according to section thirty-eight of Article IV. And it would seem, though the Constitution does not in terms so provide, that it differs from popular elections in this, that it may not be determined by a plurality, but that a majority of all votes cast is necessary to a choice.

It is by this kind of elections that United States Senators are elected, under the requirements of section three, Article I, of the United States Constitution; likewise, the provisional election of a Controller and other officers in the original organization of the State Government, under section twenty of Article V, and it is by this process that the two Houses organize and elect their officers—such as President pro tem., Speaker, Secretary, and Clerks, under section eight, of Article IV, of the Constitution, though this power would be inherent in legislative bodies without such express provision.

To illustrate these various provisions, the following clauses in the Constitution show what officers are elected by elections by the people, what by election by joint vote of both Houses of the Legislature, and what by appointment.

And first—of officers elected at "elections by the people:"

These are State Senators and members of the Assembly, which were always, at least in the several States of this republic, elected by popular elections, and were never appointed. They are so elected under our Constitution.

Of other officers, Article V, section two, provides for the election of the Governor at an election by the people; also, section sixteen, Article V, the Lieutenant Governor; section eighteen, Article V, the Secretary of State, Controller, Attorney General, Treasurer, and Surveyor General. Article VI, section three, makes the same provisions for the election of the Justices of the Supreme Court; section five, same article, the District Judges; section seven, the County and Probate Judges; section nine, the Justices of the Peace; while section eleven, same article, provides generally for the election of a Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, and other necessary officers.

Article XI, section one, provides that the Superintendent of Public Instruction shall be elected by the people. Article XI, section five, provides, in general terms, that the Legislature shall have power to provide for the election of Boards of Supervisors, in each county; and section

thirteen of the same article, says that Assessors and Tax Collectors shall be elected by the qualified voters of the town, county, or district where the property taxed is situated. This, of course, must refer to their election by the people.

The foregoing comprises a complete list of all the officers which the Constitution requires, in terms, to be elected by the people at ordinary or popular elections.

Of officers provided in the Constitution to be "chosen or elected by joint vote of the two Houses of the Legislature:"

There is but one instance, in the Constitution of California, where any officer under the State Government—except officers of the Houses, President pro tem., Speaker, and Clerks—is provided to be elected or chosen by the Legislature. It is to be found in section twenty, of Article V, and is merely a temporary expedient for filling, provisionally, the offices, until the machinery of popular elections could be organized by the first Legislature, in eighteen hundred and fifty, and provides as follows:

"SEC. 20. The Controller, Treasurer, Attorney General, and Surveyor General shall be chosen by joint vote of the two Houses of the Legislature, at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant Governor."

Section eleven of the schedule provides for the election by the Legislature of two Senators in Congress, but Senatorial elections being held under the provisions of section six of Article I of the Constitution of the United States, section eleven of the schedule has no special bearing upon the point under examination, inasmuch as the Legislature must elect, whether the State Constitution requires it or not.

Section eight, Article IV, allows the two Houses to elect their own officers, and, of course, this is done by the same process—that is, by the viva voce election, or vote, of each House.

Of officers referred to in the Constitution as being the subject of appointment, there are the following: Court Commissioners, which are appointed by the District Courts, under the provisions of section eleven of Article VI, also, all officers of the militia, which are to be either elected or appointed, as the Legislature may prescribe, according to section two of Article VII.

And lastly, all officers not otherwise provided for under the Constitution, or laws made in pursuance thereof, are to be appointed by the Governor, under the provisions of section eight, Article V. This provision (section eight, Article V), is only an affirmation of the law, as it would be without it, for undoubtedly the grant of supreme executive power to the Governor (section one, Article V), would carry this function without additional or more explicit terms.

It, therefore, appears conclusively, as we think, that the Constitution of California provides for three methods of selecting and designating the individuals who are to hold offices, so as to qualify them to hold the same:

First—By election by the people, held throughout the State under section one of Article XI, or in certain districts or subdivisions thereof, by the depositing of ballots in a ballot box, by citizens, or qualified voters, as in the case of all Senators and members of the Legislature, Judges, and the executive officers connected with the administration of justice in

the Courts, and Sheriffs, County Clerks, and District Attorneys, and finally, Tax Collectors and Assessors.

Second—Choice or election by joint vote of the two Houses of the Legislature, under section twenty of Article V, a temporary provision, as was before observed, provided to enable the State government to be organized before the general election in eighteen hundred and fifty.

Third—By appointment of inferior officers by Supervisors or heads of departments, as in the case of Court Commissioners appointed by the District Courts under section eleven, Article VI, and of militia officers under section two of Article VII, and finally, appointments to fill all vacancies generally by the Governor, under section eight of Article V.

Such being the three methods provided by the Constitution for the selection of officers, it remains to be ascertained which method has been prescribed as the mode for nominating the officers in question—that is to say, State Harbor Commissioners.

Section six, Article XI, provides as follows:

"SEC. 6. All officers whose election or appointment is not provided for by the Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct."

By this it will be observed that but two out of the three methods of nomination or selection of officers mentioned in the Constitution can be employed in the selection of the officers whose mode of election is not fixed by the provisions of that instrument, namely: "Election by the people" and "appointment." While the third method, that of "choice or election by joint vote of both Houses of the Legislature," is restricted to the special, temporary, or provisional cases mentioned in section twenty, Article V, of the Constitution, to the selection of United States Senators under the Constitution of the United States, and to the elections held for the organization of either branch of the Legislature in the choosing of its officers—such as President pro tem., Speaker, and Clerks.

A State Harbor Commissioner is an officer, neither whose election nor whose appointment is provided for by the Constitution; it was an office created afterwards by law within the meaning of section six of Article XI.

It follows that he must either be elected by the people, or "appointed," as the Legislature may direct. It is an office that cannot be filled by "choice" or "election by joint vote of both Houses of the Legislature," for, as it has been shown above, that could only be done provisionally, in the case of the Controller, Treasurer, Attorney General, and other officers, under section twenty of Article V, or in case of United States Senators, by force of the Federal Constitution, or lastly, in the case of elections in the organization of the two Houses, under section eight of Article IV. It cannot, constitutionally, be filled by the Legislature in any manner.

But even if none of the detailed provisions, setting forth the various methods of selecting and nominating officers, were to be found in the Constitution, and only the careful distribution of the powers of the State Government, into the executive, legislative, and judicial departments, existed as set forth in section one of Article III, yet would it seem that the mischiefs of blending together the now nicely-balanced departments, and of conferring the power of nominating the individuals

who are to hold and enjoy the emoluments of office upon the same power that creates them, is too obvious to render it necessary to do more than to direct attention to the dangers likely to grow out of such a system. The evils that of necessity accompany the exercise of such powers are innumerable. We cannot be expected to point to them all. But amongst them we will say, that the temptation to create unnecessary offices, and thereby to burden the people, and eat out their substance, is greatly increased where the same power that creates the office exercises the function of filling it. It increases the liability to the making of corrupt combinations a hundredfold, and reduces the responsibility to zero. Such would be the reason governing this matter, were no pressing application of this principle impending, and we merely considering of an abstract proposition, with no definitive action in view.

But when we add to the dangers that surround this measure, the fact that this bill seeks to remove, for political and partisan purposes, three officers of approved ability and unquestioned integrity, who have, during the year they have managed this department of government, increased the income to the treasury threefold, and, at the same time, reduced the burden upon commerce and the people, by removing many onerous exactions, all simply by reason of an honest and faithful discharge of their duties. And that such removal is sought to be made in order to provide places for men who are notoriously and flagrantly loitering about the lobbies of the two Houses, pressing their claims upon the members of the Senate and Assembly in person, and upon no higher grounds than that of partisan services, it would seem that the passage of such a measure is not only a violation of the Constitution of the State, but such an abandonment of our duty to the people who have sent us hither to represent them, as can justly be characterized as being but little short of absolutely disgraceful.

In conclusion, your committee are of the opinion that the management of the harbor of the chief port of the State is a matter of the utmost importance, not merely to the inhabitants of the City of San Francisco alone, but to all citizens throughout the State; that it is a trust of the utmost delicacy, requiring great skill and familiarity with commerce and affairs, and that the incumbents of the office of State Harbor Commissioner should be under direct and constant responsibility to the appointing power.

They are of the opinion that the appointment to the office should be vested in the Chief Executive of the State (the Governor), subject to confirmation by the Senate.

In conformity with the foregoing views, they have agreed upon a substitute to the bill, whereby it is made to accord thereto, and now report the same back, and recommend the passage of the substitute.

SWIFT, Chairman.

Mr. Williams made the following report:

MR. SPEAKER: The special committee have considered Substitute for Senate Bill No. 44—An Act to add two sections to the Political Code of California—and a minority of the committee report a substitute, and recommend the passage of the substitute.

WILLIAMS.

Mr. Tinnin moved the adoption of the Substitute for Senate Bill No. 44, above reported by the minority of the special committee, to whom said bill had been referred.

Mr. Estee moved as an amendment to the above motion, that the Substitute for Senate Bill No. 44, above reported by the majority of said committee, be adopted, on which the ayes and noes were demanded by Messrs. Freidenrich, Estee, and Terrill, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Cressler, Franck, Freidenrich, Gray, Hammitt, Heald, Meyers, Miller, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Simpson, Swift, Terrill, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—30.

**NOES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Byrnes, Carter, Clark, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hay, Higbie, Hill, Howe, Kercheval, Knox, Long, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Russell, Simpers, Stowers, Summers, Tinnin, Tully, Venable, Williams, and Wright—43.

On the motion to adopt the substitute reported by the minority of the committee, the ayes and noes were demanded by Messrs. Murphy, Bowers, and McBride, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bryan, Byrnes, Carter, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hay, Higbie, Hill, Howe, Kercheval, Long, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Russell, Simpers, Simpson, Stowers, Summers, Tinnin, Tully, Venable, Williams, and Wright—43.

**NOES**—Messrs. Ables, Aldrich, Bradley, Burt, Byers, Canfield, Chandler, Cowdery, Cressler, Franck, Freidenrich, Gray, Hammitt, Heald, Knox, Meyers, Miller, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Swift, Terrill, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—30.

Mr. Coggins gave notice that he would, on to-morrow, move to reconsider the vote by which the House, on to-day, adopted the Substitute for Senate Bill No. 44, reported by a minority of the committee.

On the passage of the bill, the ayes and noes were demanded by Messrs. Murphy, Terrill, and Freidenrich, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bryan, Byrnes, Carter, Clark, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hay, Higbie, Hill, Howe, Kercheval, Long, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Russell, Simpers, Stowers, Summers, Terrill, Tinnin, Tully, Venable, Williams, and Wright—42.

**NOES**—Messrs. Ables, Aldrich, Bradley, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Cressler, Franck, Freidenrich, Gray, Hammitt, Heald, Knox, Miller, Norton, Patterson, Paulsell, Pishon, Rea, Rogers, Simpson, Swift, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—30.



Mr. Terrill gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed Senate Bill No. 44.

On motion of Mr. Tinnin, Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon—was ordered placed at the top of the File for to-morrow.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Pelham, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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### IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Wednesday, March 11th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### PETITION.

By Mr. Escandon—from Grangers of Morro City, San Luis Obispo County, protesting against a pending bill for increasing official salaries in said county.

Referred to the San Luis Obispo delegation.

### REPORTS.

Reports were submitted as follows:

By Mr. Gray:

Mr. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 342—An Act concerning the selection and sale of University lands—beg leave to report the same back, and recommend its passage.

Also, Senate Bill No. 204—An Act for the protection of preëmption and homestead claimants—report it back, and recommend its passage.

GRAY, Chairman.

Senate Bill No. 342, above reported, taken up, by unanimous consent, rules suspended, read a third time, and passed.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Assembly Bill No. 430—An Act to amend section three thousand six

hundred and seventeen of the Political Code—have had the same under consideration, and ask leave to report it back with a substitute for the bill, and recommend the passage of the substitute.

SAMUEL MEYERS, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 449—An Act to amend section one thousand two hundred and thirty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 563—An Act to amend an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four.

BRADLEY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure—report it back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake—report it back, with amendments, and without recommendation.

Also, Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two—report it back, and recommend its passage.

Also, Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California—report it back, and recommend its passage.

Also, Senate Bill No. 198—An Act to amend section thirty-four hundred and ninety-five of the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 107—An Act in relation to homesteads—report it back, and recommend its passage.

Also, Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington—report it back, and recommend its passage.

Also, Assembly Bill No. 579—An Act granting leave of absence to J. J. Welch, Sheriff of Mono County—report it back, and recommend its passage.

Also, Assembly Bill No. 418—An Act granting the right of franchise to the citizen woman, in certain cases—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 441—An Act to repeal Article XIII, Chapter III, Title III, of the Political Code—report it back, and recommend that it be referred to the Committee on Education.

WILLIAMS, Chairman.

Assembly Bill No. 441, above reported, re-referred to the Committee on Education.

Senate Bill No. 111, above reported, ordered to top of the File for to-morrow.

By Mr. Tinnin:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns—beg leave to report that they have carefully considered said bill, and report the same back, and recommend its passage.

Also, Senate Bill No. 262—An Act to provide for the payment of attorneys' fees—and beg leave to report the same back, with the recommendation that it do pass.

TINNIN, Chairman.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration Assembly Bill No. 480—An Act to provide for the completion of the Napa State Asylum for the insane, and for other purposes—report the same back, with a substitute, and recommend the passage of the substitute.

FREEMAN, Chairman.

Assembly Bill No. 480, above reported, ordered second on the File for to-morrow.

By Mr. Wright:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes—beg leave to report the same back, and recommend its passage.

WRIGHT, for Delegation.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Yosemite and Big Tree Parks, to whom was re-referred Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits of and between the Yosemite and Big Tree Parks—beg leave to report that they are unable to recommend any changes in the bill, and they report the same back, and renew their recommendation that it do not pass.

ALDRICH, Chairman.

By Mr. Coggins:

Mr. SPEAKER: The Sacramento and San Joaquin delegations, having had under consideration Assembly Bill No. 451, report the bill back, with a recommendation that it pass.

COGGINS,  
PAULSELL,  
For Delegations.

By Mr. Coggins:

Mr. SPEAKER: The Sacramento delegation have had under consideration Assembly Bill No. 540, and report the bill back, with a recommendation that it pass.

COGGINS, for Delegation.

By Mr. Paulsell:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 544—An Act amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy—have had the same under consideration, report it back, and recommend its passage.

PAULSELL, for Delegation.

Assembly Bill No. 544, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Paulsell:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 548—An Act relating to the Supervisors of San Joaquin County—have considered the same, report it back, and recommend its passage.

PAULSELL, for Delegation.

Assembly Bill No. 548, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 373—An Act amendatory of and supplementary to an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two—respectfully return the same, with the recommendation that it do not pass.

Also, Assembly Bill No. 464—An Act to enlarge the powers of the Board of Education of the City and County of San Francisco, and to authorize them to pay certain claims—with the recommendation that it do not pass.

Also, Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three—with the recommendation that it do not pass.

Also, Assembly Bill No. 17—An Act to provide for a Police Fund in and for the City and County of San Francisco—with the recommendation that it be indefinitely postponed.

SWIFT, Chairman.

By Mr. Morgan:

Mr. SPEAKER: The Sierra delegation, to whom was referred Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain funds—have had the same under consideration, report it back, and recommend its passage.

MORGAN, for Delegation.

By Mr. Kercheval:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 178—An Act to provide for the proper distribution, in the several County Treasuries, of funds arising from the sale of swamp lands—beg leave to report that they have considered the same, and report it back, with the recommendation that it pass.

Also, Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State—report it back, in accordance with instructions, without recommendation.

Also, Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code—report that they have considered the same, and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano—report that they have considered the same, and report it back, and recommend its passage.

R. KERCHEVAL, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 237—An Act to protect agriculture in the County of Butte.

Also, Assembly Bill No. 291—An Act to authorize the City of Sacramento to raise and pay to the former owners of land sold to the State of California, to enlarge the Capitol grounds, the balance of the purchase price of said lands.

Also, Assembly Bill No. 157—An Act to authorize the Board of Supervisors of Inyo County to levy a special tax for the purpose of paying E. Chaquette for building bridges for said county.

Also, Assembly Bill No. 313—An Act to amend an Act supplementary to an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 40—An Act to abate the squirrel nuisance in certain counties of the State of California.

Also, Assembly Bill No. 202—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey.

Also, Assembly Bill No. 124—An Act allow the San Diego and Arizona Mining Company to change its principal place of business from San Diego to the City and County of St. Louis, in the State of Missouri.

Also, Assembly Bill No. 275—An Act to prevent hogs and goats running at large in the Town of Fiddletown, Amador County.

NEWTON BOOTH,  
Governor.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 10th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 315—An Act to quiet title to certain salt marsh and tide lands in Contra Costa County.

Also, passed Senate Bill No. 359—An Act to add another section to the Penal Code.

Also, passed Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County.

Also, passed Assembly Bill No. 355—An Act to authorize the transfer of certain funds in Lake County.

Also, passed Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding thereto a section, to be designated as section twelve hundred and seventy-nine.

Also, refused to pass Assembly Bill No. 230—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Also, amended and passed Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County.

Also, amended and passed Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Also, on March seventh, passed Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado.

Also, passed Senate Bill No. 363—An Act concerning submarine sites for lighthouses and other aids to navigation on the coast of this State.

Also, on March ninth, passed Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State.

Also, passed Senate Bill No. 403—An Act concerning the records and papers of the County of Sacramento.

Also, passed Senate Bill No. 409—An Act supplemental to an Act granting right of way to the Yosemite Turnpike Road Company, approved February seventeenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 410—An Act to amend an Act to separate the office of County Recorder from the office of County Clerk in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 411—An Act for the repeal of the special road law of Calaveras County.

Also, passed Senate Bill No. 413—An Act for the relief of M. B. Pond.

Also, adopted Senate Concurrent Resolution No. 55—relative to a Joint Committee on Retrenchment.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 10th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County.

Also, passed Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland.

Also, adopted and passed Substitute for Assembly Bill No. 148—An Act amendatory of and supplementary to an Act approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 10th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the sixth day of March, eighteen hundred and seventy-four, passed Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code.

Also, passed Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa.

Also, passed Senate Bill No. 370—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles, and to build and establish a county almshouse and hospital thereon, and to issue bonds for the payment thereof.

Also, passed Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County.

Also, passed Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Also, adopted Senate Concurrent Resolution No. 54—in behalf of Charles M. Blake, late Chaplain of the United States Army.

Also, on yesterday, passed Assembly Bill No. 470—An Act reorganizing the Board of Supervisors of Placer County, and providing for the election of the same.

Also, amended and passed Assembly Bill No. 319—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo.

Also, adopted the report of the Committee of Conference on Senate Bill No. 250.

Also, appointed as Committee of Conference on Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara—Senator Laine, on the part of the Senate.

Also, on this day, concurred in the report of the Committee of Conference on Senate Bill No. 265.

Also, refused to recede from its amendment to Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte.

Also, on the sixth instant, passed Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo,

in the County of San Luis Obispo, to Santa Marie, in the County of Santa Barbara.

Also, passed Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes.

Also, passed Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Also, passed Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County.

Also, passed Senate Bill No. 349—An Act to authorize the Controller to issue duplicate warrants.

Also, passed Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant.

Also, passed Senate Bill No. 364—An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in Mendocino County.

Also, passed Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

Also, passed Senate Bill No. 327—An Act regulating township offices in Tuolumne County.

Also, passed Senate Bill No. 345—An Act to amend section twelve hundred and thirty of the Penal Code.

Also, passed Senate Bill No. 394—An Act to provide for the payment of certain road indebtedness of Tuolumne County.

Also, on the seventh instant, passed Senate Bill No. 358—An Act to provide for the purchase of certain portraits.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 409, above reported, read first and second times, and referred to the Committee on Yosemite and Big Tree Parks.

Senate Bill No. 413, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 417, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 410, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Bill No. 363, above reported, read first and second times, and referred to the Committee on Federal Relations:

Senate Bill No. 359, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 403, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 341, above reported, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 401, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 315, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Concurrent Resolution No. 55, above reported, read and adopted.

Assembly Bill No. 377, above reported, Senate amendments concurred in.



Assembly Bill No. 463, above reported, Senate amendments concurred in.

Assembly Bill No. 148, above reported, Senate substitute adopted, read a third time, and passed.

Senate Bill No. 394, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate Bill No. 384, above reported, read first and second times, and referred to the Santa Barbara delegation.

Senate Bill No. 376, above reported, read first and second times, and referred to the Committee on Corporations.

Senate Bill No. 375, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 370, above reported, read first and second times, and referred to the Los Angeles delegation.

Senate Bill No. 366, above reported, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 364, above reported, read first and second times, and ordered on File.

Senate Bill No. 358, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 356, above reported, read first and second times, and referred to the San Diego delegation.

Senate Bill No. 353, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 352, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 349, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 348, above reported, read first and second times, and referred to the Tehama and Colusa delegation.

Senate Bill No. 345, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 327, above reported, read first and second times, and referred to the Tuolumne delegation.

Senate Bill No. 296, above reported, read first and second times, and referred to the Committee on Mines and Mining Interests.

Senate Concurrent Resolution No. 54, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 52, above reported, read first and second times, and referred to the Judiciary Committee.

Assembly Bill No. 221, above reported, Messrs. Gray, Clark, and Wickware were appointed on the part of the Assembly as members of a Conference Committee on the disagreeing vote of the two Houses on said bill.

Assembly Bill No. 319, above reported, Senate amendments concurred in.

#### RECONSIDERATION.

Pursuant to notice, Mr. Amerman moved to reconsider the vote by which the House, on yesterday, passed Substitute for Senate Bill No. 44.

Mr. Murphy moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Bowers, Freeman, and Coggins, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Byrnes, Carter, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hay, Higbie, Hill, Howe, Kercheval, Klotz, Knox, Long, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Russell, Simpers, Simpson, Stowers, Summers, Tinnin, Tully, Venable, Williams, and Wright—47.

NOES—Messrs. Ables, Aldrich, Burt, Byers, Canfield, Chandler, Cogins, Franck, Freeman, Freidenrich, Gray, Hammitt, Heald, Hurlburt, Meyers, Miller, Patterson, Paulsell, Pishon, Rea, Rogers, Swift, Terrill, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—28.

#### RESOLUTION.

By Mr. Patterson:

*Resolved*, That upon filing the necessary bonds, that J. Leaman be allowed to write up the Assembly Journal for the State Printer, at eight cents per folio.

Referred to the Committee on Rules and Employés.

#### REPORTS.

Mr. Miller had leave to make the following report:

Mr. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due to the Committee on Seals and Sea Lions—beg leave to report the following allowance due the members thereof:

Mr. Cowdery, two hundred and thirty-four miles.....	\$35 10
Mr. Gilmore, of Calaveras, two hundred and thirty-four miles..	35 10
Mr. Amerman, two hundred and thirty-four miles.....	35 10

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

MILLER, for Committee.

The resolution was adopted.

Mr. Tully had leave to make the following report:

Mr. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 567—An Act to declare Moro Cojo Slough navigable—have had the same under consideration, and beg leave to report it back, with the recommendation that it pass.

TULLY, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hammitt—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Heald—An Act concerning the revenue.

Read first and second times, and referred to the Committee on Agriculture.

By Mr. Howe—An Act concerning the office of District Attorney of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

Also, an Act to cure and remove certain defects in actions heretofore commenced under Order Ten Hundred and Sixty-six of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Ferguson—An Act to discourage the use of intoxicating liquors.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Coggins—An Act to fund the accrued interest on the bonds issued by the City and County of Sacramento, for city indebtedness.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Kercheval—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Gurnett—An Act to amend section four thousand and twenty-seven of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Northup—An Act to amend sections three hundred and thirty-nine, three hundred and forty, three hundred and forty-one, and three hundred and forty-two, of the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Franck—An Act (Assembly Bill No. 591) authorizing the County Auditor of the County of Santa Clara to provide himself with a seal.

Read first and second times, rules suspended, the bill taken up out of its order, considered engrossed, read a third time, and passed.

#### GENERAL FILE.

Senate Bill No. 276—An Act to provide for the construction of a railroad from Colfax, in the County of Placer, to Nevada City, in the County of Nevada, and to regulate fares and freights thereon.

Pending consideration of the bill, at eleven o'clock and fifty-eight minutes A. M., the time for taking recess was extended until this bill shall have been disposed of.

Mr. Freeman offered the following amendment to section three: "By striking out the word 'twenty,' in line two, after the word 'and,' and insert the word 'ten.'" On the adoption of which the ayes and noes were demanded by Messrs. Coggins, Norton, and Peek, and the House refused, by the following vote:

**AYES**—Messrs. Burt, Coggins, Franck, Freeman, Hammitt, Knox, Rea, and Roush—8.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rogers, Russell, Simpers, Simpson, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Wickware, Williams, Winchell, Wright, and Mr. Speaker—59.

Mr. Coggins offered an amendment to section eight, by adding the following: "The Legislature shall, at any time hereafter, have power to reduce and regulate the rates of fare and freight on the road, the construction of which is hereby authorized;" on which the ayes and noes were demanded by Messrs. Coggins, McCallum, and Gray, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Burt, Coggins, Franck, Freeman, Gray, Hammitt, Knox, McCallum, Murphy, Paulsell, Roush, Swift, Wickware, and Williams—15.

**NOES**—Messrs. Ables, Amerman, Barton, Bowers, Bradley, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, McBride, Meyers, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpson, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Welch, Winchell, Wright, and Mr. Speaker—53.

On the passage of the bill, the ayes and noes were demanded by Messrs. Coggins, Paulsell, and Freeman, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, McCallum, Meyers, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpers, Simpson, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Welch, Williams, Winchell, Wright, and Mr. Speaker—57.

**NOES**—Messrs. Burt, Coggins, Franck, Freeman, Gray, Knox, McBride, Murphy, Paulsell, Roush, and Swift—11.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Coggins, the House took a recess until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

The House reassembled at one o'clock and thirty minutes P. M.  
Speaker in the chair.

Roll called, and a quorum present.

## SPECIAL ORDER.

The Speaker announced as the special order, consideration of Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands—which, on motion of Mr. Murphy, was made the special order for to-morrow, at one o'clock P. M.

## INTRODUCTION OF BILLS.

Mr. Hamill had leave to introduce an Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Norton—An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real and personal estate within the limits of California.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Cowdery—An Act to legalize the grades of certain streets in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Freidenrich—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose.

Read first and second times, referred to the San Francisco delegation, and ordered printed out of its order.

By Mr. Aldrich—An Act authorizing the Board of Education of the City and County of San Francisco to sell or exchange a lot of land in said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Barton—An Act to settle certain claims against the State.

Read first and second times, and referred to the Committee on Claims.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 10th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

Also, adopted Senate Concurrent Resolution relative to correcting error in enrolled Senate Bill No. 191.

Also, amended and passed Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Super-

visors of the City and County of San Francisco, and certain contracts and assessment for street work in said city and county.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 11th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 130, above reported, read first and second times, and referred to the Committee on Military Affairs.

Senate Concurrent Resolution No. 56, above reported, read and adopted.

Assembly Bill No. 75, above reported, Senate amendments concurred in.

Assembly Bill No. 96, above reported, Mr. Swift moved to postpone consideration of the bill for one hour (till three o'clock and four minutes P. M.), and Mr. Coggins moved to make it the special order for Friday next, at one o'clock P. M.

On the motion of Mr. Swift, the ayes and noes were demanded by Messrs. Coggins, Barton, and Norton, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Canfield, Carter, Cowdery, Davis, Dixon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Hill, Howe, Hurlburt, Long, Miller, Murphy, Northcutt, Northup, Parker, Paulsell, Pishon, Rea, Rogers, Simpers, Simpson, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Wickware, and Williams—46.

NOES—Messrs. Ables, Barton, Bradley, Bryan, Burt, Byers, Chandler, Clark, Coggins, Cressler, Escandon, Freeman, Gray, Heald, Higbie, Kercheval, Knox, McCallum, Morgan, Norton, Patterson, Peek, Roush, Russell, Winchell, and Mr. Speaker—26.

Mr. Swift offered the following resolution:

*Resolved by the Assembly, the Senate concurring, That the Clerk of the Assembly be authorized and required to insert in section twenty of the Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof—after the words "Twentieth Senatorial District" the words following: "and shall elect one Senator."*

Adopted.

## GENERAL FILE.

Senate Bill No. 219—An Act to indemnify bona fide settlers on the Yosemite grant.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, upon motion of Mr. Gray, the committee arose, reported the bill back with amendments, recommending the passage of the bill as amended.

## IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 219, above reported, amendments recommended by Committee of the Whole adopted, bill read a third time, and, on its passage, the ayes and noes were demanded by Messrs. Murphy, Terrill, and Burt, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gray, Gurnett, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Knox, Long, McCallum, Meyers, Miller, Morgan, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—60.

**NOES**—Messrs. Franck, Freeman, Gilmore of Calaveras, Hammitt, Murphy, Simpers, Simpson, Terrill, and Wright—9.

Substitute for Assembly Bill No. 400—An Act to prevent unjust discrimination by railroad and other transportation companies in the rates charged for the transportation of passengers and freights, and to make rates of freights and fares uniform.

Read a third time, and passed.

Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California.

Made the special order for Friday next, at one o'clock P. M.

Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Made the special order for to-morrow, at one o'clock P. M.

Assembly Bill No. 416—An Act in relation to the practice of dentistry.

Enacting clause stricken out.

Assembly Bill No. 206—An Act to abolish capital punishment.

Indefinitely postponed.

Assembly Bill No. 63—An Act for the relief of William Pyburn.

Indefinitely postponed.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 11th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 446—An Act concerning lawful and partition fences in the County of Modoc.

Also, amended and passed Assembly Bill No. 581—An Act to reincorporate the City of San José.

Also, concurred in Assembly amendments to Senate Bill No. 44—An Act to add two sections to the Political Code.

Also, concurred in Assembly amendments to Senate Bill No. 56—An Act to amend certain sections and to add certain new sections to the Political Code.

Also, adopted Assembly Concurrent Resolution No. 55—to correct a clerical error in Assembly Bill No. 96.

E. L. CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 581, above reported, Senate amendments concurred in.

## SPECIAL ORDER.

The Speaker announced the special order to be consideration of Senate amendments to Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

On concurring in Senate amendment to section sixteen, the ayes and noes were demanded by Messrs. Coggins, Russell, and Norton, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Byers, Byrnes, Canfield, Coggins, Cowdery, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Gilmore of El Dorado, Hamill, Hammitt, Hay, Heald, Howe, Hurlburt, Ingham, Long, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Parker, Paulsell, Pishon, Rea, Rogers, Simpers, Simpson, Stowers, Swift, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Wright—48.

NOES—Messrs. Ables, Barton, Bradley, Bryan, Burt, Carter, Chandler, Clark, Cressler, Freeman, Giffen, Gilmore of Calaveras, Gray, Higbie, Hill, Kercheval, Knox, Northup, Norton, Peek, Roush, Russell, Terrill, and Mr. Speaker—24.

Mr. Coggins gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, concurred in the Senate amendment to section sixteen of Assembly Bill No. 96.

On concurring in Senate amendment to section eighteen, the ayes and noes were demanded by Messrs. Coggins, Bryan, and Barton, and the House so ordered, by the following vote:



**AYES**—Messrs. Aldrich, Amerman, Byers, Canfield, Coggins, Cowdery, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Gurnett, Hamill, Hammitt, Hay, Heald, Howe, Hurlburt, Long, Meyers, Miller, Murphy, Northcutt, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Winchell, and Wright—41.

**NOES**—Messrs. Ables, Barton, Bradley, Bryan, Burt, Carter, Chandler, Clark, Cressler, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Higbie, Hill, Ingham, Kercheval, Knox, McCallum, Morgan, Northup, Norton, Peek, Roush, Russell, Simpers, Simpson, Terrill, Williams, and Mr. Speaker—32.

Mr. Coggins gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, concurred in Senate amendment to section eighteen.

House concurred in Senate amendment to section twenty.

On the motion to concur in Senate amendment to section twenty-two of the bill, the ayes and noes were demanded by Messrs. Norton, Burt, and Stowers, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Byrnes, Canfield, Cowdery, Cressler, Davis, Dixon, Escandon, Franck, Freidenrich, Ferguson, Hamill, Hammitt, Hay, Howe, Hurlburt, Long, McBride, Meyers, Miller, Northcutt, Parker, Paulsell, Rea, Rogers, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Wickware, and Wright—34.

**NOES**—Messrs. Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Heald, Higbie, Hill, Ingham, Kercheval, Knox, McCallum, Morgan, Murphy, Northup, Norton, Patterson, Peek, Pelham, Pishon, Roush, Russell, Simpers, Simpson, Terrill, Williams, Winchell, and Mr. Speaker—40.

Mr. Murphy gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, refused to concur in Senate amendment to section twenty-two.

House concurred in Senate amendment to section twenty-seven.

At three o'clock and fifty minutes P. M., on motion of Mr. Gray, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### NOTICE.

Mr. McCallum gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, concurred in Senate amendments to sections twenty and twenty-seven of Assembly Bill No. 96.

#### GENERAL FILE RESUMED.

Senate Concurrent Resolution No. 46—Concurrent resolution in relation to mail service between San Diego and Julian Mining District.

Read a third time, and passed.

Assembly Bill No. 438—An Act to authorize Maurice Dore, John A. Turney, George S. Wright, Henry Wetherbee, I. M. McNulty, their associates and assigns, to repair, renew, extend, construct, and maintain Meiggs wharf.

Indefinitely postponed.

Assembly Bill No. 399—An Act to authorize J. E. Ryan, W. J. Ryan, and others, to build a wharf at San Pedro Point, Los Angeles County.

Withdrawn by the author.

Assembly Bill No. 346—An Act to add certain sections to, amend certain sections of, and repeal certain sections of the Political Code.

Indefinitely postponed.

Assembly Bill No. 406—An Act to reorganize Levee District Number One, of Sutter County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 488—An Act to provide for the adjusting and payment of the claim of Robert E. Beasley against Swamp Land District Number Fifty-four.

Refused engrossment.

Senate Bill No. 243—An Act to provide for the payment of the indebtedness of Swamp Land District Number Six, in Tulare County.

Passage refused.

Senate Bill No. 322—An Act to exempt fireman in Nevada and Siskiyou Counties from the payment of poll taxes.

Amended, and on a motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Tinnin, Ferguson, and Gilmore of El Dorado, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Bryan, Burt, Clark, Dixon, Freeman, Ferguson, Gilmore of El Dorado, Hammitt, Higbie, Howe, Knox, Long, McCallum, Paulsell, Simpson, Stowers, Summers, Tinnin, Wickware, and Winchell—22.

**NOES**—Messrs. Amerman, Barton, Bowers, Byers, Byrnes, Canfield, Carter, Coggins, Cowdery, Cressler, Davis, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gurnett, Hay, Heald, Hurlburt, Ingham, Kercheval, Klotz, McBride, Miller, Morgan, Murphy, Northcutt, Northup, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Roush, Terrill, Thomas, Welch, and Williams—41.

On the passage of the bill, the ayes and noes were demanded by Messrs. Freeman, Heald, and Hay, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byers, Byrnes, Canfield, Chandler, Cowdery, Cressler, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gurnett, Hay, Heald, Higbie, Hurlburt, Ingham, Klotz, McBride, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Simpson, Terrill, Thomas, Venable, Welch, and Williams—40.

**NOES**—Messrs. Aldrich, Barton, Bradley, Bryan, Burt, Carter, Clark, Coggins, Davis, Dixon, Freeman, Ferguson, Gilmore of El Dorado, Hammitt, Howe, Kercheval, Knox, Long, McCallum, Paulsell, Roush, Stowers, Summers, Tinnin, Wickware, Winchell, and Mr. Speaker—27.

Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

Rules suspended, bill considered engrossed, read a third time, and passed.

MESSAGE FROM THE SENATE.

By unanimous consent, on motion of Mr. Tinnin, the House took up the following Senate message:

SENATE CHAMBER,  
March 11th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 213—An Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Also, amended and passed Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Also, passed Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Also, passed Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County.

Also, passed Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Also, passed Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 261—An Act to amend section three thousand four hundred and eighty-two of the Political Code.

Also, passed Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code.

IRA H. REED,  
Assistant Secretary.

CONSIDERATION OF SENATE MESSAGE.

Substitute for Assembly Bill No. 213, above reported, Senate amendments concurred in.

Assembly Bill No. 435, above reported, read first and second times, and referred to the Alameda delegation.

GENERAL FILE RESUMED.

Mr. Russell had leave to withdraw Assembly Bills Nos. 315 and 381.

Assembly Bill No. 485—An Act concerning road poll tax for Tehama County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 476—An Act to amend section three thousand three hundred and sixty-four of the Political Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 499—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 369—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read a third time, and passed.

Senate Bill No. 323—An Act to authorize the payment of a debt on Washington School District, in Cloverdale Township, in Sonoma County.

Read a third time, and passed.

Assembly Bill No. 531—An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 534—An Act for the protection of property at East Park, in Sacramento County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 537—An Act to provide for the payment of a debt due N. Fitzgerald, from the Lake City School District, in Modoc County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern to erect county buildings.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 475—An Act to annex a portion of Monterey County to Santa Cruz County.

Passage refused.

Assembly Bill No. 398—An Act to create the County of Orange, to define the boundaries, and to provide for its organization and government.

Indefinitely postponed.

Senate Bill No. 2—An Act to establish and maintain a training ship in the City and County of San Francisco.

Amended, read a third time, and passed.

Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 545—An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 554—An Act to authorize the transfer and loan of certain funds in Solano County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Substitute for Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease certain toll roads in said county, and for other purposes.

Substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 566—An Act to protect agriculture in the County of Calaveras.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 252—An Act to enable the City and County of San Francisco to issue revenue bonds.

Amended, rules suspended, bill considered engrossed, read a third time, and passed, Mr. Estee requesting to be recorded as voting against the bill and all of the amendments.

Senate Bill No. 385—An Act amendatory of and supplemental to an Act entitled an Act to provide for the better maintenance of the indigent sick of Siskiyou County, approved April twenty-second, eighteen hundred and sixty-one.

[Speaker pro tem. in the chair.]

Amended, read a third time, and passed.

Senate Bill No. 242—An Act to regulate the salaries and fix the compensation of certain officers in the County of Napa.

Read a third time, and passed.

Senate Bill No. 81—An Act to amend section thirty-nine hundred and twenty-one of the Political Code.

Read a third time, and passed.

Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 543—An Act to provide for the purchase and construction of free bridges in Big River Township, County of Mendocino.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 564—An Act to regulate the salaries and fix the compensation of the present county officers of Napa County.

Amended, rules suspended, the bill considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILL.

Mr. Freidenrich had leave to introduce the following bill: An Act to authorize the Police Judge of the City and County of San Francisco to appoint an official reporter.

Read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 570—An Act to reincorporate the Town of Yuba City.

Rules suspended, the bill considered engrossed, read a third time, and passed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 11th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the tenth day of March, eighteen hundred and seventy-four, passed Senate Bill No. 415—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on, and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal.

Also, passed Senate Bill No. 404—An Act legalizing and confirming the boundaries of the school districts of the City of San Diego.

Also, on this day, passed Senate Concurrent Resolution No. 50—concerning the improvement of the harbor of Oakland.

Also, passed Senate Bill No. 281—An Act providing for the determination of actions for the recovery of the possession of lands and tenements, for rents and profits growing out of the same, and for damages for the withholding thereof in certain cases.

Also, passed Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Also, passed Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors.

Also, passed Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty-second, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles.

Also, passed Assembly Bill No. 477—An Act relating to license fees in the County of Sierra.

CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 256, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 415, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 404, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Joint Resolution No. 50, above reported, read first and second times, and referred to the Committee on Federal Relations.

Senate Bill No. 281, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 362, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 309, above reported, read first and second times, and referred to the Committee on Public Morals.

#### GENERAL FILE RESUMED.

Assembly Bill No. 412—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Gurnett, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Assembly Bill No. 442, above reported from Committee of the Whole, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Chandler had leave to make the following report:

MR. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter—report the same back, with an amendment, and recommend its passage as amended.

CHANDLER, for Delegation.

Assembly Bill No. 571, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

#### GENERAL FILE RESUMED.

Assembly Concurrent Resolution No. 52—to authorize the Governor to deliver to D. L. Perkins a certain silver medal and diploma. Adopted.

At eight o'clock and fifty minutes P. M., on motion of Mr. Clark, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, March 12th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## RECONSIDERATION.

Pursuant to notice, Mr. Coggins moved to reconsider the vote by which the House, on yesterday, concurred in Senate amendment to section eighteen of Assembly Bill No. 96, on which motion the ayes and noes were demanded by Messrs. Coggins, Barton, and Russell, and the House refused, by the following vote:

AYES—Messrs. Ables, Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Coggins, Cressler, Freeman, Gilmore of Calaveras, Gray, Ingham, Kercheval, McCallum, Morgan, Norton, Peek, Roush, Russell, Simpers, Simpson, and Williams—24.

NOES—Messrs. Aldrich, Amerman, Bowers, Byrnes, Clark, Cowdery, Davis, Dixon, Escandon, Fahy, Franck, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Klotz, Long, McBride, Meyers, Miller, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Venable, Welch, Wickware, Wright, and Mr. Speaker—49.

Mr. McCallum moved to reconsider the vote by which the House, on yesterday, concurred in Senate amendments to sections twenty and twenty-seven of Assembly Bill No. 96.

House refused to reconsider.

[Mr. Tinnin in the chair.]

Mr. Murphy moved to reconsider the vote by which the House, on yesterday, refused to concur in Senate amendment to section twenty-two of Senate Bill No. 96, on which the ayes and noes were demanded by Messrs. Norton, Burt, and Kercheval, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Bowers, Byrnes, Canfield, Cowdery, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Ferguson, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Long, Meyers, Miller, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Rea, Rogers, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Venable, Wickware, Wright, and Mr. Speaker—44.

NOES—Messrs. Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Fahy, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Morgan, Norton, Peek, Pishon, Roush, Russell, Simpers, Simpson, Tinnin, Welch, Williams, and Winchell—32.



At eleven o'clock and fifty-five minutes A. M., on motion of Mr. Estee, the time for recess was postponed till this bill is disposed of.

On the motion to concur in Senate amendment to section twenty-two of Assembly Bill No. 96, the ayes and noes were demanded by Messrs. Norton, Burt, and Barton, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Byrnes, Canfield, Cowdery, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Ferguson, Gurnett, Hamill, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Long, Meyers, Miller, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Rea, Rogers, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Venable, Wickware, Wright, and Mr. Speaker—44.

**NOES**—Messrs. Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Fahey, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Ingham, Kercheval, Klotz, Knox, McBride, McCallum, Morgan, Norton, Peek, Pishon, Roush, Russell, Sunpers, Simpson, Tinnin, Welch, Williams, and Winchell—32.

At twelve o'clock and five minutes P. M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

By unanimous consent, the special order—consideration of Assembly Concurrent Resolution No. 35, and Assembly Bill No. 226—was deferred until the regular order of business shall have been disposed of.

#### PETITION.

By Mr. McCallum—from citizens of Mendocino County, asking passage of an Act authorizing the Supervisors to issue bonds for constructing bridges over certain streams in said county.

Referred to the Mendocino delegation.

#### REPORTS.

By Mr. Meyers:

**MR. SPEAKER:** The Committee on Agriculture, to whom was referred Assembly Bill No. 490—An Act supplemental to and amendatory of an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four—have had the same under consideration, and beg leave to report that the committee were divided, the majority against and the minority in favor of the bill. We of the majority recommend that it do not pass, and also ask that Mr. Canfield be allowed until to-morrow to bring in a minority report, provided he sees fit to do so.

MEYERS, for Majority.

By Mr. Williams:

**Mr. SPEAKER:** The Committee on Judiciary have considered Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—report it back, and recommend that Senate amendments to sections twenty-seven, thirty-six, forty-four, fifty-four, eighty-six, one hundred and forty-six, one hundred and sixty-one, and two hundred and nineteen, be concurred in, and that the House refuse to concur in Senate amendments to sections eighty-five, ninety-nine, one hundred and twenty-four, one hundred and seventy-four, one hundred and seventy-five, and one hundred and seventy-six.

WILLIAMS, Chairman.

Also, by the same:

**Mr. SPEAKER:** The Committee on Judiciary have considered Senate Bill No. 345—An Act to amend section twelve hundred and thirty of the Penal Code—report it back, and recommend that it do not pass.

Also, Senate Bill No. 359—An Act to add another section to the Penal Code—report it back, and recommend its passage.

Also, Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 577—An Act to add another section to the Penal Code—report it back, and recommend its passage.

Also, Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court of the State of California—report it back, and recommend its passage.

Also, Assembly Bill No. 467—An Act to amend section six hundred and ninety of the Code of Civil Procedure—report it back, without recommendation.

Also, Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—report it back, and recommend that the House refuse to concur in the Senate substitute.

WILLIAMS, Chairman.

By Mr. Burt:

**Mr. SPEAKER:** The undersigned members of the Committee on Ways and Means, ask leave to submit the following minority report relative to Senate Bill No. 358:

Your committee beg to call the attention of the House to a fact very patent to every member, that during the canvass previous to our election, we jointly and severally pledged ourselves to advocate only measures of economy and reform, and that under no circumstances would we give our countenance or support to any measure which should seek to extract a single dollar from public funds that did not embrace either a just claim, an appropriation of public necessity, or a matter of great public utility.

We would most respectfully represent that we have watched with unceasing vigilance during the entire session for some measure to come before the House that could not be classed under either of those heads, that we might redeem the pledge, and we welcome the advent of Senate

Bill No 358 with hearty greeting, as affording us the desired starting point.

Your committee believe that an appropriation of this character can only be prompted by one of two motives: either to perpetuate the great and noble acts of faithful and worthy servants, or as complimentary to those who have held positions of public trust, whose names would not else be handed down to posterity.

If the former be the object, then your committee believe that the object can be attained in a much more desirable manner by the pen of the historian, since, comparatively, only a favored few will have the opportunity of gazing upon their portraits, and none can learn their glorious deeds therefrom; while, if the historian but writes their names upon the scroll of fame, future generations will point with pride to their noble records, and imbue the minds of their junior members with the spirit of emulation, as do we the minds of the rising generation of the present by referring to the acts of our immortal Washington and his little hatchet.

If the latter be the object, then we submit that the bill should be so amended as to embrace all public servants, and more especially would we urge that it should embrace all the members of the present Legislature, who, we are proud to say, are quite as anxious that posterity should know and recognize our worth as can be any of our ex-Governors, while we are forced reluctantly to confess our chances are infinitely less.

Your committee would further state, that when the motion was before us in committee meeting, asking for a favorable report, we were equally divided, and that our worthy Chairman decided by casting his vote in the affirmative.

In view of these facts, we would respectfully recommend that the bill do not pass.

S. B. BURT,  
JAS. DIXON,  
F. C. FRANCK,  
WILLIAM HILL.

The usual number of copies were ordered printed.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 390—An Act to repeal Article XI of Chapter I, Title VI, of the Political Code—have had the same under consideration, and report it back, with the recommendation that it do pass.

ALDRICH, Chairman.

By Mr. Patterson:

Mr. SPEAKER: Your committee to whom was referred Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of licenses to sell intoxicating liquors—have had the same under consideration, and beg leave to report the same back, with the recommendation that the bill pass.

PATTERSON, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment would beg leave to

report that they have examined and find correctly engrossed Assembly Bill No. 548—An Act relating to the Supervisors of San Joaquin County.

BRADLEY, Chairman.

By Mr. Escandon:

Mr. SPEAKER: The delegation from San Luis Obispo and Santa Barbara, to whom was referred Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara—report it back, and recommend its passage. .

ESCANDON, for Delegation.

By Mr. Davis:

Mr. SPEAKER: The Stanislaus delegation, to whom was referred Senate Bill No. 410—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, for Delegation.

By Mr. Hay:

Mr. SPEAKER: Your Committee of Conference appointed to consider Senate Bill No. 265—An Act concerning roads and highways in the County of Santa Clara—have had the same under consideration, and report it back, with amendments to sections four and twenty-three, and recommend the adoption of the amendments.

HAY, for Assembly Committee.

LAINE, for Senate Committee.

Adopted.

By Mr. Bowers:

Mr. SPEAKER: The San Diego delegation, to whom was referred Senate Bill No. 356, report the bill back, and recommend its passage.

BOWERS, for Delegation.

By Mr. Long:

Mr. SPEAKER: The Tuolumne delegation, to whom was referred Senate Bill No. 327—An Act regulating township offices in Tuolumne County—beg leave to report the same back, and recommend its passage.

LONG, for Delegation.

By Mr. Northcutt:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Assembly Bill No. 516—An Act to amend the city charter of the City of Healdsburg, Sonoma County—beg leave to report the same back, and recommend its passage.

NORTHCUTT, for Delegation.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 11th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 372—An Act to protect agriculture, and to prevent the trespassing of animals upon private property in the County of Yolo.

Also, Assembly Bill No. 149—An Act amendatory of and supplementary to an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 428—An Act to repeal all special road laws in the County of Fresno.

Also, Assembly Bill No. 257—An Act to add section one thousand one hundred and sixty-five to the Civil Code.

Also, Assembly Bill No. 265—An Act to confer further powers and privileges on the Trustees of the Los Nietos Collegiate Institute.

Also, Assembly Bill No. 258—An Act relating to conveyances of real estate.

Also, Assembly Bill No. 260—An Act granting to the Sierra Iron Company the right to construct a road in Sierra and Plumas Counties.

Also, Assembly Bill No. 445—An Act to legalize the act of the Board of Trustees of Susanville School District in borrowing money, and to provide for the payment of the same.

Also, Assembly Bill No. 350—An Act authorizing the Board of Supervisors of Mariposa County to allow compensation to Manuel de Silva and brother, for maintaining a ferry.

Also, Assembly Bill No. 393—An Act in relation to public schools in Marin County.

Also, Assembly Bill No. 343—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sutter, approved March twenty-ninth, eighteen hundred and seventy.

Also, Assembly Bill No. 342—An Act ratifying and confirming action of the City Council of the City of Oakland, for the relief of W. W. Foote.

Also, Assembly Bill No. 316—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the Counties of Santa Clara, Monterey, and San Joaquin, and to create a bounty therefor, approved March twenty-sixth, eighteen hundred and seventy, so far as the same relates to Santa Clara County.

Also, Assembly Bill No. 303—An Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county.

Also, Assembly Bill No. 173—An Act concerning certain public reservations of the City and County of San Francisco.

Also, Assembly Bill No. 271—An Act for the relief of Centre School District, County of Solano.

NEWTON BOOTH,  
Governor.

## RESOLUTIONS.

By Mr. Hill:

*Resolved*, That no member of the Assembly, from this day to the end of the session, shall be allowed to speak more than ten minutes nor oftener than twice upon the same subject.

The resolution was laid over for one day under the rules.

By Mr. Amerman:

*Resolved*, That A. A. Guarini be allowed the work of copying the Assembly Journal for the State Printer, the said work to be done at the rate of (6) six cents per folio.

Referred to the Committee on Rules and Employés.

By Mr. Escandon:

*Resolved*, That the Sergeant-at-Arms is hereby authorized and directed to purchase for and deliver to each member of the Assembly requesting him so to do, four dollars worth of postage stamps; and the Controller is hereby directed to draw his warrant therefor, payable out of the Contingent Fund.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Norton, Burt, and Terrill, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Byrnes, Canfield, Clark, Coggins, Cowdery, Davis, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Howe, Ingham, Long, McBride, Murphy, Northup, Parker, Patterson, Peek, Simpson, Snyder, Summers, Swift, Terrill, Tinnin, Thomas, Tully, and Mr. Speaker—34.

**NOES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Carter, Chandler, Cressler, Dixon, Franck, Freeman, Freidenrich, Hammitt, Hay, Higbie, Hill, Kercheval, Klotz, McCallum, Meyers, Northcutt, Norton, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Simpers, Stowers, Venable, Welch, Wickware, and Williams—35.

Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara—was reported, verbally, from the Committee on Corporations, and re-referred to the San Luis Obispo delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burt—An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Snyder—An Act to amend section three thousand five hundred and eighty-four of the Political Code.

Read first and second times, and referred to the Judiciary Committee. Also, an Act making an appropriation for improvements in the Yosemite Valley.

Read first and second times, and referred to the Committee on Ways and Means.

Also, an Act to regulate fares and freights, and other things, and prevent discrimination.

Read first and second times, and referred to the Committee on Corporations.

By Mr. Freeman—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

Read first and second times, and referred to the Yolo delegation.

By Mr. Davis—An Act regulating the fees of witnesses in criminal cases, in Stanislaus and Merced Counties.

Read first and second times, and referred to the Stanislaus delegation.

By Mr. Parker—An Act to provide additional Notaries Public in the County of Inyo.

Read first and second times, and referred to the Inyo delegation.

By Mr. Canfield—An Act to authorize the Supervisors of Fresno County to extend the time for the completion of certain improvements.

Read first and second times, and referred to the Committee on Internal Improvements.

By Mr. Terrill—An Act to compel the proper observance of the laws of the State of California by public officers.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cressler—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

Read first and second times, and ordered on File.

By Mr. Gilmore of El Dorado—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Read first and second times, and ordered on File.

By Mr. Amerman—An Act prescribing the fees of Coroners and Executors, and their mode of payment.

Read first and second times, and referred to the Judiciary Committee.

Also, an Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State.

Read first and second times, and referred to the Committee on Fish and Game.

By Mr. Tully—An Act to amend an Act entitled an Act to reorganize the Supervisor Districts of the County of Monterey (Assembly Bill No. 612.)

Read first and second times, and, by unanimous consent, taken up, rules suspended, considered engrossed, read a third time, passed, and ordered transmitted immediately to the Senate without engrossment.

By Mr. Williams—An Act amending certain sections of the Political Code relative to the assessment of property for taxation.

Read first and second times, and referred to the Committee on Ways and Means.

Also, an Act to amend section three thousand three hundred and eighty-four of the Political Code of the State of California.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Giffen—An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State, approved April second, eighteen hundred and seventy.

Read first and second times, and referred to the Committee on Fish and Game.

#### RESOLUTION.

Mr. Coggins had leave to offer the following resolution:

*Resolved*, That at the evening sessions hereafter held, the Assembly will consider general bills after disposing of all local bills on the File.

Adopted.

#### REPORT.

Mr. Freeman had leave to make the following report:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration the following bills, and beg leave to report as follows:

Senate Bill No. 212—An Act for the relief of James W. Marshall—recommend that it do not pass.

Also, Senate Bill No. 278—An Act to amend the Political Code concerning the delinquency of taxes—recommend that it do not pass.

Also, Joint Resolution No. 31—relative to the appointment of a Commission to ascertain and report the amount destroyed by Captain Jack's band of Modocs, and to whom it belongs—and recommend its passage.

Also, Senate Bill No. 234—An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County—and recommend its passage.

Also, Senate Bill No. 358—An Act to provide for the purchase of certain pictures—without recommendation.

Also, Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras—and recommend that it be referred to the Calaveras delegation.

Also, Assembly Bill No. 404—An Act to provide for the sale of the lands acquired by the State of California in pursuance of an Act entitled an Act to provide additional grounds for the State Capitol building, in the City of Sacramento, approved April first, eighteen hundred and seventy-two, and sale of the building known as the Governor's Mansion—and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 542—An Act relating to the assessment of non-residents and unimproved lands in the State of California—and recommend that it do not pass.

Also, Assembly Bill No. 527—An Act to increase the compensation of the Assistant Sergeant-at-Arms of the Senate and Assembly—and recommend that it do not pass.

Also, Assembly Bill No. 479—An Act to amend section three thousand eight hundred and sixty of the Political Code—and recommend its passage.

Also, Assembly Bill No. 513—An Act to amend section three thousand



eight hundred and sixty-six of the Political Code—and recommend its passage.

Also, Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature, April first, eighteen hundred and seventy-two—amended, and recommend its passage as amended.

Also, Assembly Bill No. 384—An Act to amend section three thousand six hundred and forty-four of the Political Code—and recommend that it be referred to the Judiciary Committee.

FREEMAN, Chairman.

Senate Bill No. 377, above reported, referred to the Calaveras delegation.

Assembly Bill No. 384, above reported, referred to the Judiciary Committee.

#### SPECIAL ORDERS.

The Speaker announced the special orders to be the consideration of Assembly Concurrent Resolution No. 35, and Assembly Bill No. 226.

On motion of Mr. Tully, Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands—was made the special order for Tuesday next, at one o'clock p. m.

Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spend-thrifts—amended, and, on motion of Mr. Murphy to “insert Del Norte, Klamath, Colusa, and Tehama, after Trinity,” in an amendment offered by Mr. Tinnin: “the County of Trinity shall be excepted from the provisions of this bill,” the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Murphy, and the House refused, by the following vote:

AYES—Messrs. Barton, Bradley, Bryan, Carter, Coggins, Cressler, Dixon, Franck, Freidenrich, Hay, Hill, Ingham, Kercheval, Klotz, McBride, Miller, Murphy, Northcutt, Northup, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Tinnin, Tully, Winchell, and Wright—29.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byers, Byrnes, Canfield, Chandler, Clark, Davis, Escandon, Freeman, Ferguson, Giffen, Gray, Gurnett, Hammitt, Higbie, Howe, Hurlburt, Long, McCallum, Meyers, Norton, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Swift, Terrill, Thomas, Venable, Welch, Wickware, Williams, and Mr. Speaker—40.

Mr. Miller moved to strike out the enacting clause of the bill, on which the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Hay, and the House refused, by the following vote:

AYES—Messrs. Bradley, Bryan, Byers, Carter, Coggins, Cressler, Dixon, Freeman, Gray, Hill, Kercheval, Klotz, McBride, Miller, Murphy, Northcutt, Northup, Simpson, Snyder, Stowers, Tinnin, Tully, Welch, and Wright—24.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Canfield, Chandler, Davis, Escandon, Franck, Freidenrich, Ferguson, Giffen, Gurnett, Hammitt, Heald, Higbie, Howe, Hurlburt, Ingham, Knox, Long, McCallum, Meyers, Norton, Parker, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Simpers, Summers, Swift, Terrill, Venable, Wickware, Williams, Winchell, and Mr. Speaker—44.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Tinnin, Miller, and Northcutt, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Burt, Canfield, Chandler, Clark, Davis, Escandon, Franck, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Hay, Higbie, Howe, Hurlburt, Long, McCallum, Meyers, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Simpers, Summers, Swift, Terrill, Tinnin, Thomas, Venable, Wickware, Winchell, and Mr. Speaker—44.

**NOES**—Messrs. Bradley, Bryan, Byers, Byrnes, Carter, Coggins, Creasler, Dixon, Freeman, Gray, Hill, Kercheval, Klotz, Knox, McBride, Miller, Murphy, Northcutt, Northup, Peek, Simpson, Snyder, Stowers, Tully, Welch, Williams, and Wright—28.

Mr. Tinnin gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, ordered the bill engrossed.

#### REPORTS.

Mr. Hay had leave to make the following report:

**MR. SPEAKER:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 477—An Act relating to license fees in the County of Sierra;

Also, Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland;

Also, Assembly Bill No. 463—An Act to fix the salary of the County Judge of Fresno County;

Also, Assembly Bill No. 491—An Act repealing an Act fixing the salary of Superintendent of Public Schools in the County of Los Angeles;

Also, Assembly Bill No. 319—An Act to unite Putah School District, in the County of Solano, and Yolo School District, in the County of Yolo;

Also, Assembly Bill No. 355—An Act to authorize the transfer and loan of certain funds in Lake County;

Also, Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County;

Also, Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding a section, to be designated as section twelve hundred and ninety-nine;

Also, Assembly Bill No. 470—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same;

Also, Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two;

Also, Assembly Bill No. 446—An Act concerning lawful and partition fences in the County of Modoc;

Also, Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County;

Also, Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern;

Also, Assembly Bill No. 148—Senate Substitute for Assembly Bill No. 148—An Act amendatory of and supplementary to an Act, approved March seventh, eighteen hundred and seventy-two, entitled an Act to incorporate the Town of Alameda;

And that the same were, this twelfth day of March, eighteen hundred and seventy-four, at two o'clock and ten minutes P. M., transmitted to the Governor, for his approval.

HAY, Chairman.

Mr. Murphy had leave to make the following report:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts have examined the following bills and accounts, found them correct, and recommend that they be paid:

Nevada City Daily Transcript.....	\$12 00
Golden Era.....	20 80
Pacific Ice Company.....	17 00
H. A. Jones, reporter .....	56 00
Visalia Delta .....	9 00
El Dorado Republican.....	6 00
La Voz Del Nuevo Mundo.....	9 30
Sonoma Democrat.....	60 00
Mariposa Gazette.....	9 00
C. E. Spencer, for Sacramento Record.....	137 75
San Francisco Post.....	89 25
A. S. Hopkins, for Examiner.....	155 25
Stockton Independent.....	21 75
Placer Herald .....	9 00
Santa Barbara Press.....	4 25
Sacramento Union.....	189 55
William M. Crutcher.....	219 50
Thomas Hughes .....	14 00
William Sheehan.....	6 00
Jesus Sanize .....	4 00
Juan Cienfuegos.....	4 00
James T. Barron.....	4 00
B. D. Dunnam.....	10 75
S. J. Stabler.....	15 00
J. L. Wilber.....	14 50
Matthew Woods.....	14 50

*Resolved*, That the Controller be and he is hereby authorized and directed to draw warrants in favor of the persons named in the above report of the Committee on Expenditures and Accounts, for the sums set opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

MURPHY, Chairman.

Adopted.

Mr. Amerman had leave to introduce the following:

WHEREAS, In common with our fellow citizens of the whole Union, we have received the mournful intelligence of the sudden decease of that eloquent, gifted, zealous, and devoted advocate of human rights and human liberty, the Hon. Charles Sumner, United States Senator from the State of Massachusetts; and whereas, the loss of one who has so long been recognized as one of the leading statesmen of America, is eminently deserving of some recognition from the representatives of the people in Legislature convened; therefore, be it

*Resolved*, That when this House adjourns, it adjourns in respect to the memory of the Hon. Charles Sumner, late United States Senator from Massachusetts.

Adopted.

#### INTRODUCTION OF BILL.

Mr. Howe had leave to introduce the following:

An Act granting further powers to the Board of State Harbor Commissioners.

Read first and second times, and referred to the Committee on Commerce and Navigation.

#### GENERAL FILE.

Senate Bill No. 111—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

On the passage of the bill, the ayes and noes were demanded by Messrs. Williams, Swift, and Norton, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Heald, Howe, Klotz, Knox, Long, McBride, Meyers, Miller, Murphy, Northcutt, Parker, Paulsell, Peek, Pishon, Rea, Simpson, Snyder, Stowers, Summers, Terrill, Tiunin, Tully, Winchell, and Wright—49.

**NOES**—Messrs. Freidenrich, Gray, Gurnett, Higbie, Hill, Hurlburt, Ingham, Kercheval, Northup, Norton, Patterson, Rogers, Russell, Swift, Thomas, Venable, Welch, Wickware, Williams, and Mr. Speaker—20.

At three o'clock and fifty-five minutes, Mr. Thomas moved to adjourn.  
Lost.

#### REPORT.

Mr. Escandon had leave to make the following report:

**MR. SPEAKER:** The delegation from San Luis Obispo and Santa Barbara, to whom was referred Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara—report the same back, and recommend its passage.

ESCANDON, for Delegation.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 12th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 418—An Act in relation to the revenue of the County of Amador.

Also, passed Senate Bill No. 419—An Act in relation to roads in Amador County; also, an Act relative to the treatment and care of the indigent sick of said county.

Also, passed Senate Bill No. 420—An Act in relation to the Board of Supervisors of Amador County.

Also, passed Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County.

Also, passed Senate Concurrent Resolution No. 6—to cheapen telegraphic communication.

Also, concurred in Assembly amendments to Senate Bills Nos. 219, 385, and 2.

Also, refused to concur in Assembly amendments to Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll taxes.

IRA H. REED,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 322, above reported, the House refused to recede from its amendments, and Messrs. Amerman, Franck, and Heald were appointed, on the part of the Assembly, members of a Committee of Conference on the disagreeing vote of the House on the amendments to section one and the title of the bill.

Senate Bill No. 418, above reported, read first and second times, and ordered on File.

Senate Bill No. 419, above reported, read first and second times, and ordered on File.

Senate Bill No. 420, above reported, read first and second times, and ordered on File.

Senate Bill No. 421, above reported, read first and second times, and referred to the Napa delegation.

Senate Concurrent Resolution No. 6, above reported, read first and second times, and referred to the Committee on Federal Relations.

## GENERAL FILE RESUMED.

Substitute for Assembly Bill No. 481—An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes. The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion

of Mr. Gray, the committee arose, reported the bill back with an amendment, and recommended its passage.

IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 480, above reported from the Committee of the Whole, amendment adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

On a motion to lay the bill on the table, the ayes and noes were demanded by Messrs. Murphy, Simpson, and Klotz, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Byers, Byrnes, Canfield, Fahey, Freeman, Gilmore of El Dorado, Hammitt, Hay, Hill, Ingham, Meyers, Paulsell, Rea, Rogers, Russell, Swift, Tully, Wickware, and Wright—22.

NOES—Messrs. Barton, Bowers, Bradley, Bryan, Burt, Chandler, Clark, Cowdery, Cressler, Escandon, Franck, Friedenrich, Giffen, Gilmore of Calaveras, Gray, Heald, Higbie, Howe, Hurlburt, Kercheval, Klotz, Knox, Long, McBride, McCallum, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Roush, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Venable, Welch, Williams, Winchell, and Mr. Speaker—47.

At four o'clock and forty-six minutes P. M., Mr. Meyers moved to adjourn, on which the ayes and noes were demanded by Messrs. Bowers, Murphy, and Klotz, and the House refused, by the following vote:

AYES—Messrs. Bryan, Fahey, Meyers, Paulsell, and Wright—5.

NOES—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Escandon, Franck, Freeman, Freidenrich, Giffen, Gray, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—62.

On motion of Mr. Williams, the pending bill, Assembly Bill No. 199, was ordered to the top of the File for Tuesday next, and Senate Bill No. 314—An Act to amend certain sections and to repeal certain sections of the Political Code—was ordered second on File, for the same day.

At four o'clock and fifty-eight minutes P. M., on motion of Mr. Terrill, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, March 13th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## RESOLUTION.

Mr. Howe had leave to introduce the following resolution:

*Resolved*, That the Engrossing Clerk be instructed to engross Assembly Bill No. 480—An Act to provide for the completion of the Napa Asylum for the Insane—out of its order.

Adopted.

## REPORTS.

Reports were made as follows:

By Mr. Higbie:

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 523—amending the provisions of the Political Code in relation to public schools—report the same back, with supplementary amendments, and recommend its passage as amended.

HIGBIE, Chairman.

Also, by the same:

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 465—empowering County Superintendents of Public Schools to decide on the selection of text books for use—report the same back, and recommend that it do not pass, because the same points will be covered in the general school law.

Also, report back Assembly Bill No. 500—authorizing the Superintendent of Public Instruction to appoint a special clerk—and recommend that it do not pass.

Also, petition from Yuba and Butte Counties in relation to the education of half-breed Indian children—report the same back, and inform the petitioners that provisions are already made in the revised school law to meet their demands.

HIGBIE, Chairman.

By Mr. Canfield:

MR. SPEAKER: A minority of the Committee on Agriculture beg leave to dissent from the report of the majority of the same committee, upon Assembly Bill No. 490, and would respectfully recommend its passage, for the following reasons: About six hundred of the citizens of Kern

and Tulare Counties have petitioned for a postponement of the time as provided in the bill, from the twenty-fifth of June to the first of December next. The petitioners comprise farmers and small owners of cattle in those counties, and represent that the operation of the law, if put into immediate effect, will be to force them to put their cattle into market and dispose of them at prices ruinously low. Many of them have nearly all their means invested in cattle; others are farmers who have stock grazing for the most part upon the outside lands; others, still, are farmers who have little or no stock, but who think so sudden a change unnecessary and detrimental to the general interests of those counties. The attention of the committee was directed to the fact that the law has already taken effect, to wit: on the twentieth day of February last, in certain portions of those counties, and that the cultivated lands in Tulare, and a large district in each of the counties named, are enjoying the protection of the law at present. The bill provides that the extension shall be for the uncultivated lands only that are not included within the said districts. We believe that the delay called for, in order that the citizens may conform to the altered condition of things caused by the overthrow of an established system of the country, will be attended with good results to these people, and can work no hardship to any one. The committee had under consideration, also, a remonstrance, quite numerously signed. We have reason to believe, from evidence presented, that many of the signers of that remonstrance were impelled to that action by the belief that an attempt was being made to repeal the trespass law, or cripple it in some of its important provisions, and that but for this belief they would not have remonstrated, but would be willing to grant the extension asked. From evidence before the committee, the county revenues are to be affected by this measure, and the Assessor of Tulare is now awaiting the action of the Legislature upon this bill, before fixing the price of cattle on the assessment roll, believing they will be worth twice as much if the time be extended as they will if the law takes effect at the time provided.

CANFIELD,  
R. KLOTZ,  
Minority.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin.

Also, Assembly Bill No. 544—An Act amendatory of an Act entitled an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 591—An Act authorizing the County Auditor of Santa Clara to provide himself with a seal.

Also, Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State.

Also, Assembly Bill No. 554—An Act to authorize the transfer and loan of certain funds in Solano County.

Also, Assembly Bill No. 406—An Act to reorganize Levee District Number One, of Sutter County.

Also, Assembly Bill No. 534—An Act for the protection of property at East Park, in Sacramento County.

Also, Assembly Bill No. 535—An Act authorizing the Board of Trus-



tees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

Also, Assembly Bill No. 531—An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes.

Also, Assembly Bill No. 499—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

Also, Assembly Bill No. 485—An Act concerning road poll tax for Tehama County.

Also, Assembly Bill No. 476—An Act to amend section thirty three hundred and sixty-four of the Political Code.

BRADLEY, Chairman.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real estate and personal estate within the limits of California—have considered the same, and now report it back, with the recommendation that it be referred to the Judiciary Committee.

SWIFT, Chairman.

Assembly Bill No. 593, above reported, re-referred to the Judiciary Committee.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 378—An Act to restrict gambling—beg leave to report the same back, without recommendation.

PATTERSON, Chairman.

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 54—in behalf of Charles M. Blake, late Chaplain of the United States Army—beg leave to report the same back, and recommend that it do not pass.

Also, Senate Bill No. 363—An Act concerning submarine sites for lighthouses, and other aids to navigation on the coast of this State—report the same back and recommend that it do pass.

Also, Assembly Bill No. 443—An Act for the relief A. M. Winn—respectfully report that they have had the same under consideration, report the same back, and recommend that it do not pass.

FRANCK, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have amended Senate Bill No. 274—An Act in relation to the revision of the laws—report it back, and recommend its passage.

Also, Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State under the Act approved March twenty-second, eighteen hundred and seventy-two—report it back, and recommend its passage.

WILLIAMS, Chairman.

By Mr. Davis:

Mr. SPEAKER: The Stanislaus and Merced delegation, to whom was referred Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, for Delegation.

By Mr. Venable:

Mr. SPEAKER: The Los Angeles delegation, to whom was referred Senate Bill No. 370—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles to build and establish a county almshouse—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

VENABLE, for Delegation.

By Mr. Simpson:

Mr. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No. 50—An Act regulating public highways in the County of Colusa—beg leave to report that they have examined the same, and respectfully report it back, and recommend its passage.

SIMPSON, for Delegation.

By Mr. Franck:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 326—An Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two—beg leave to report that they have considered the same, and respectfully report it back with amendments, and recommend its passage as amended.

FRANCK, for Delegation.

Assembly Bill No. 326, above reported, taken up by unanimous consent, amendments recommended by the delegation adopted, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Freeman:

Mr. SPEAKER: The Yolo delegation have had under consideration Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county—report the same back, and recommend its passage.

FREEMAN, for Delegation.

Assembly Bill No. 603, above reported, taken up, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to which was referred Senate Bill No. 162—granting privileges to the North Beach and Mis-

sion Railroad Company—report the same back with amendment, and recommend that it pass as amended.

Also, Assembly Bill No. 524—for the relief of T. P. Riordan—with the recommendation that it pass.

Also, Assembly Bill No. 585—to cure and remove certain defects in actions heretofore commenced under Order Number One Thousand and Sixty-six of the Board of Supervisors of the City and County of San Francisco—with the recommendation that it pass.

Also, Assembly Bill No. 584—An Act concerning the office of District Attorney of the City and County of San Francisco—with amendment, and recommend that it pass as amended.

Also, Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco—and recommend that it pass.

SWIFT, for Delegation.

By Mr. Peek:

Mr. SPEAKER: The Calaveras delegation, to whom was referred Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras—respectfully report the same back, and recommend its passage.

W. P. PEEK,  
GEORGE W. GILMORE,  
EDWARD FAHEY.

By Mr. Parker:

Mr. SPEAKER: The Inyo delegation, to whom was referred Assembly Bill No. 605—An Act to provide additional Notaries Public in the County of Inyo—beg leave to report the same back, and recommend its passage.

PARKER, for Delegation.

By Mr. Northcutt:

Mr. SPEAKER: The delegation from Sonoma, to whom was referred Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two—beg leave to report the same back, with amendments, and recommend its passage as amended.

NORTHCUTT, for Delegation.

By Mr. Kercheval:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento—report that they have considered the same, and report a majority for and a minority against its passage.

KERCHEVAL, for Delegation.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 480—An Act to provide for the completion of the Napa State Asylum for the Insane,

and for other purposes, the same having been ordered engrossed out of its order.

BRADLEY, Chairman.

#### RESOLUTIONS.

By Mr. Murphy:

*Resolved*, That the Sergeant at-Arms is hereby authorized and directed to purchase for and deliver to each member of the Assembly four dollars and fifty cents worth of postage stamps, and the Controller is authorized to draw his warrant therefor out of the Contingent Fund of the Assembly.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Norton, Paulsell, and Cowdery, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Byrnes, Carter, Coggins, Cowdery, Davis, Escandon, Fahey, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Howe, Hurlburt, Long, McBride, Miller, Murphy, Northcutt, Northup, Patterson, Peek, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Williams, and Mr. Speaker—38.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Chandler, Clark, Cressler, Dixon, Franck, Freeman, Freidenrich, Hamill, Higbie, Kercheval, Knox, McCallum, Meyers, Morgan, Norton, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Vandall, Welch, Wickware, and Winchell—30.

By Mr. Higbie:

*Resolved*, That the Clerk, Mr. Bean, employed by the Committee on Education to copy seventy folios of its report, be paid for such services at the rate of fifteen cents per folio, making ten dollars and fifty cents.

Referred to the Committee on Public Expenditures and Accounts.

#### NOTICE.

By Mr. Murphy, of a bill to provide for a legislative phonographic reporter.

#### REPORT.

Mr. Hay had leave to make the following report:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 581—An Act to reincorporate the City of San José;

Also, Senate Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county;

Also, Assembly Bill No. 287—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to

provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes;

Also, Assembly Bill No. 269—An Act for the relief of Andrew Was- son, Sheriff of Monterey County;

Also, Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma;

And that the same were, this thirteenth day of March, eighteen hun- dred and seventy-four, at ten o'clock and forty-five minutes A. M., trans- mitted to the Governor for his approval.

HAY, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Paulsell—An Act to protect agriculture in the County of San Joaquin.

Read first and second times, and referred to the San Joaquin dele- gation.

By Mr. Patterson—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor.

Read first and second times, and referred to the San Francisco dele- gation.

By Mr. Peek—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty, ap- proved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy- two.

Read first and second times, and ordered on File.

By Mr. Ables—An Act in relation to suits against the County of Marin for damages on account of laying out public roads.

Read first and second times, and ordered on File.

#### GENERAL FILE.

Senate Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

House refused to concur in Senate substitute.

Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

House concurred in Senate amendments to sections thirty-six, forty- four, fifty-four, eighty-six, one hundred and forty-six, one hundred and sixty-one, and two hundred and nineteen, and refused to concur in Sen- ate amendments to sections twenty-seven, eighty-five, ninety-nine, one hundred and twenty-four, one hundred and seventy-four, one hundred and seventy-five, and one hundred and seventy-six.

On motion of Mr. Gray, Senate Bill No. 198—An Act to amend section three thousand four hundred and ninety-five of the Political Code—was taken from the File, and referred to the Committee on Public Lands.

Assembly Bill No. 256—An Act to regulate the price of quicksilver in this State.

Indefinitely postponed.

At twelve o'clock M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## INTRODUCTION OF BILL.

Mr. Cowdery had leave to introduce the following bill: An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times, and referred to the Committee on Corporations.

On motion of Mr. Bowers, the special order, consideration of Assembly Concurrent Resolution No. 18, was postponed until Assembly Bill No. 397 shall have been disposed of.

On motion of Mr. Swift, and by unanimous consent, Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington—was taken up out of its order, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators.

Amended, and ordered engrossed.

## SPECIAL ORDER.

The Speaker announced the special order to be consideration of Senate Concurrent Resolution No. 18—requesting Congress to grant certain lands to the State of California.

Indefinitely postponed.

## GENERAL FILE RESUMED.

Assembly Bill No. 165—An Act to amend the Civil Code of this State. Rules suspended, bill considered engrossed, read a third time, and passed.

On motion of Mr. Parker, the House took up out of its order Senate Bill No. 376—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to Santa Maria, in the County of Santa Barbara.

Read a third time, and passed.

Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Amerman, the committee arose, reported the bill back, and recommended its passage as amended.

## IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 436, above reported from Committee of the Whole, amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 245—An Act for the relief of George W. Branch.

House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Gray, the committee arose, reported the bill back, and recommended its passage.

## IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 245, above reported from Committee of the Whole, read a third time, and passed.

Assembly Bill No. 423—An Act making an appropriation for the purchase of apparatus for the State Normal School.

House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Terrill, the committee arose, reported the bill back, and recommended its passage.

## IN ASSEMBLY.

[Speaker pro tem. in the chair.]

Assembly Bill No. 423, above reported from Committee of the Whole, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Tinnin in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Murphy, the committee arose, reported the bill back, and recommended its passage.

## IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 501, above reported from Committee of the Whole, on engrossment of the bill the ayes and noes were demanded by Messrs. Coggins, Vandall, and Kercheval, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Bowers, Bradley, Burt, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Higbie, Howe, Hurlburt, Ingham, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Murphy, Northeutt, Northup,

Parker, Patterson, Peek, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Thomas, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—57.

NOES—Messrs. Bryan, Coggins, Kercheval, Paulsell, Pelham, Swift, Tinnin, and Vandall—8.

Rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Bradley had leave to make the following report:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 537—An Act to provide for the payment of a debt due N. Fitzgerald, from the Lake City School District, in Modoc County.

Also, Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern to erect county buildings.

Also, Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county.

BRADLEY, Chairman.

#### RESOLUTION.

By Mr. Swift:

*Resolved*, That Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington—be transmitted to the Senate without engrossment.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 447—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 304—An Act to regulate rates of charges on telegraph lines in this State.

Made the special order for Friday, March twentieth.

Assembly Bill No. 294—An Act to amend section three thousand five hundred and seventy-three of the Political Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 239—An Act to furnish Justices of the Peace with copies of the Codes.

Substitute adapted, and bill ordered engrossed.

Mr. Murphy gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was ordered engrossed.

Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Amended, read a third time, and passed.



Senate Bill No. 236—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, and add a new section, to be known as section four thousand and forty-seven.

Read a third time, and passed.

Senate Bill No. 289—An Act to amend section two thousand two hundred and forty of the Political Code.

Amended, read a third time, and passed.

Assembly Bill No. 492—An Act to repeal section three thousand seven hundred and forty eight of the Political Code.

Indefinitely postponed.

Assembly Bill No. 450—An Act providing for the manner for satisfying mortgages and other liens of record.

Refused engrossment.

Assembly Bill No. 379—An Act to amend section six hundred and sixty-seven of the Code of Civil Procedure.

Refused engrossment.

Senate Bill No. 181—An Act for the relief of Adolph E. Servatius.

Amended, read a third time, and passed.

Assembly Bill No. 402—An Act to quiet the title to certain lands.

Substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 454—An Act to discourage drunkenness and diminish crime and pauperism.

Ordered to head of File for Tuesday next.

Assembly Bill No. 329—An Act to promote the destruction of squirrels and other wild and destructive animals.

Indefinitely postponed.

#### RESOLUTION.

Mr. Freeman had leave to introduce the following resolution:

*Resolved*, That Will J. Beatty be employed to copy the Assembly Journal and Appendix thereto, for the State Printer, at the price of six cents per folio.

Referred to the Committee on Rules and Employés.

#### GENERAL FILE RESUMED.

Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale.

House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Rogers, the committee arose, reported the bill back, and recommended its passage as amended.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 437, above reported from Committee of the Whole, amendment adopted, rules suspended, bill considered engrossed, read a third time, and passed.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 13th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the eleventh day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 312—An Act concerning the office of Public Administrator, Coroner, and Superintendent of Public Schools in the County of Stanislaus.

Also, passed Senate Bill No. 427—An Act authorizing the transcribing of certain records in the County of Sacramento

Also, on yesterday, passed Senate Bill No. 431—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare.

Also, amended and passed Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code.

Also, amended and passed Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, passed Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

Also, appointed as Committee of Conference on Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two—Senators Hendricks, Perkins, and DeHaven.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 13th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 253—An Act for the relief of Catherine Connelly.

Also, passed Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Also, passed Senate Bill No. 99—An Act supplemental to an Act entitled an Act to provide for finishing the State Normal School building, and pay the indebtedness incurred in the construction thereof, approved March twenty-ninth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 421—An Act supplemental to an Act entitled an Act to create the County of San Benito.

Also, passed Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground.

Also, passed Assembly Bill No. 515—An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County.

Also, passed Assembly Bill No. 557—An Act to extend the provisions of the trespass law to San Benito County.

Also, amended and passed Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street.

Also, amended and passed Assembly Bill No. 466—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Also, adopted Assembly Concurrent Resolution No. 48—asking for the establishment of a lighthouse and fog bell on Yerba Buena Island.

Also, refused to pass Assembly Bill No. 273—An Act to ratify and confirm the sale of a franchise granted under and by an Act entitled an Act to authorize D. B. Northop, Horace Cole, and E. B. Goddard, and their associates, to construct a plank road or bridge over the waters of Mission Bay, in the City and County of San Francisco, approved April eighteenth, eighteen hundred and sixty-two, and an Act amendatory thereof, approved April twenty-fourth, eighteen hundred and sixty-three, and an Act amendatory thereof, approved April fourth, eighteen hundred and sixty-four.

Also, passed Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Also, amended and passed Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

Also, passed Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Also, amended and passed Assembly Bill No. 231—An Act entitled an Act to transfer certain funds in the County of Kern.

Also, amended and passed Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

Also, passed Assembly Bill No. 548—An Act relating to the Supervisors of San Joaquin County.

Also, adopted Senate Concurrent Resolution No. 58—appointing photographic reporter for committee to investigate University affairs.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER, }  
March 13th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twelfth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 430—An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of public roads in the County of Napa, approved March thirty-first, eighteen hundred and sixty-six.

Also, on this day, passed Assembly Bill No. 563—An Act to amend an

Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington.

Also, passed Assembly Bill No. 534—An Act for the protection of property at East Park, in Sacramento County.

Also, on this day, appointed, as Committee of Conference on Senate Bill No. 322, Senators Irwin, Tuttle, and Duffy.

Also, that the Senate refuses to recede from its amendments to Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California, and have appointed Senators Dyer, Irwin, and Finney, as a Committee of Conference on the part of the Senate.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 312, above reported, read first and second times, and referred to the Stanislaus delegation.

Senate Bill No. 427, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 431, above reported, read first and second times, and referred to the Tulare delegation.

Assembly Bill No. 344, above reported, House concurred in Senate amendment.

Assembly Bill No. 420, above reported, referred to the San Joaquin delegation.

Assembly Bill No. 368, above reported, House concurred in Senate amendments.

Assembly Bill No. 466, above reported, House concurred in Senate amendment.

Assembly Bill No. 367, above reported, House concurred in Senate amendment.

Assembly Bill No. 231, above reported, House concurred in Senate amendment.

Assembly Bill No. 526, above reported, House concurred in Senate amendment.

Senate Bill No. 99, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 379, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 253, above reported, read first and second times, and referred to the Committee on Claims.

Senate Concurrent Resolution No. 58, above reported, amended, and adopted.

Senate Bill No. 430, above reported, read first and second times, and referred to the Napa delegation.

Substitute for Assembly Bill No. 88, above reported, the Speaker appointed Messrs. Murphy, Cowdery, and Paulsell, on the part of the Assembly, members of a Committee of Conference on the disagreeing vote of the two Houses on said bill.

## GENERAL FILE RESUMED.

Senate Bill No. 247—An Act to amend section four thousand and seventy-three of the Political Code.

Passage refused.

Assembly Bill No. 405—An Act to amend section two hundred of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 469—An Act to add another section to the Penal Code.

Indefinitely postponed.

Assembly Bill No. 514—An Act to amend section one hundred and fifty-nine of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 512—An Act to amend section twenty-eight hundred and eighty-one of the Political Code.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Senate Bill No. 280—An Act to amend section five hundred and seventy-four of the Civil Code.

Read a third time, and passed.

Senate Bill No. 239—An Act to amend sections forty-two hundred and thirty-four, forty-two hundred and thirty-five, forty-two hundred and thirty-six, and forty-two hundred and thirty-eight of the Political Code.

Ordered to bottom of File.

Assembly Bill No. 462—An Act to amend the Penal Code.

Ordered engrossed.

Assembly Bill No. 511—An Act to protect the rights of stockholders in incorporated companies.

Rules suspended, bill considered engrossed, read a third time, and passed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Gurnett—An Act to provide funds for the school department of the City of Oakland.

Read first and second times, and ordered on File.

By Mr. McCallum—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds.

Read first and second times, and ordered on File.

## REPORT.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county—respectfully return the same, with the recommendation that it pass.

SWIFT, for Delegation.

At four o'clock P. M., on motion of Mr. Snyder, the House took a recess until seven o'clock P. M.

## EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Thomas—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

Read first and second times, and ordered on File.

By Mr. Ingham—An Act declaring the force and effect of the provisions of the Political Code concerning the office of District Attorney in El Dorado County, and granting to G. J. Carpenter, District Attorney of said county, temporary leave of absence from the State.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Stowers—An Act to pay certain claims for services rendered as witnesses summoned on behalf of the State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Chandler—An Act to make the bridge across the stone road crossing in Sutter County a free bridge, and for said county to own and control the same.

Read first and second times, and referred to the Sutter delegation.

On motion of Mr. Stowers, the following resolution, introduced yesterday, by Mr. Hill, was taken from the table and adopted:

*Resolved*, That no member of the Assembly, from this day to the end of the session, shall be allowed to speak more than ten minutes nor oftener than twice upon the same subject.

## GENERAL FILE.

Senate Bill No. 354—An Act to fix the compensation of the Assessor of San Diego County, and for other purposes.

Re-referred to the San Diego delegation.

Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Ordered to the head of the File for Wednesday next.

Assembly Bill No. 579—An Act granting leave of absence to J. J. Welch, Sheriff of Mono County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits and between the Yosemite and Mariposa Big Tree Parks.

Ordered to the head of the File for Monday next.

Assembly Bill No. 451—An Act to consolidate certain school districts in the Counties of Sacramento and San Joaquin.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 373—An Act amendatory of and supplementary to an Act entitled an Act to facilitate and increase the collection of State and county and municipal licenses in the City and County of San Francisco, approved March thirtieth, eighteen hundred and seventy-two.

Recommitted to the San Francisco delegation.

[Speaker pro tem. in the chair.]

Assembly Bill No. 464—An Act to enlarge the powers of the Board of Education of the City and County of San Francisco, and to authorize them to pay certain claims.

Amended, and on the engrossment of the bill, the ayes and noes were demanded by Messrs. Rogers, Aldrich, and Freidenrich, and the House refused, by the following vote:

AYES—Messrs. Barton, Bowers, Bradley, Burt, Canfield, Carter, Cowdery, Davis, Fahey, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Hurlburt, Ingham, Klotz, McBride, Murphy, Northup, Norton, Peek, Rea, Roush, Simpson, Terrill, Thomas, and Welch—29.

NOES—Messrs. Ables, Aldrich, Bryan, Chandler, Clark, Coggins, Cressler, Dixon, Franck, Freidenrich, Giffen, Gray, Hamill, Higbie, Hill, Howe, Kercheval, Knox, Long, McCallum, Miller, Morgan, Northcutt, Patterson, Paulsell, Pishon, Rogers, Russell, Simpers, Snyder, Stowers, Swift, Tinnin, Vandall, Wickware, Williams, Winchell, and Mr. Speaker—38.

Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 17—An Act to provide for a Police Fund in and for the City and County of San Francisco.

Ordered to the foot of the File.

Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

Rules suspended, bill considered engrossed, read a third time, and passed.

[Speaker in the chair.]

Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Ordered engrossed.

Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Taken up out of its order, and placed at the head of the File for Thursday next.

Senate Bill No. 364—An Act to provide for the election of a District Assessor and a District Collector for Ukiah School District, in Mendocino County.

Read a third time, and passed.

Assembly Bill No. 567—An Act to declare Moro Cojo Slough, in Monterey County, navigable.

Ordered engrossed.

Assembly Bill No. 573—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Made special order for Wednesday next, at one o'clock P. M.

Senate Bill No. 366—An Act to provide Road Funds for the Counties of San Luis Obispo and Santa Barbara.

Read a third time, and passed.

Senate Bill No. 356—An Act to grant the right to construct a wagon road in San Diego County.

Read a third time, and passed.

Senate Bill No. 327—An Act regulating township officers in Tuolumne County.

Read a third time, and passed.

Senate Bill No. 410—An Act to amend an Act entitled an Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of county officers, in the County of Stanislaus, approved March fourth, eighteen hundred and seventy-four.

Read a third time, and passed.

Assembly Bill No. 516—An Act to amend the city charter of the City of Healdsburg, Sonoma County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 420—An Act in relation to the Board of Supervisors of Amador County.

Read a third time, and passed.

Senate Bill No. 418—An Act in relation to the revenue of the County of Amador.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 419—An Act to repeal certain Acts in relation to roads in Amador County; also, an Act relative to the treatment and care of the indigent sick of said county.

Read a third time, and passed.

Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy.



Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 622—An Act to provide funds for the school department of the City of Oakland.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 234—An Act to authorize the repayment of moneys erroneously paid into the State Treasury by the Treasurer of Sonoma County.

House went into Committee of the Whole for consideration of the bill.

[Mr. Tinnin in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Bowers, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker pro tem., Mr. Howe, in the chair.]

Senate Bill No. 234, above reported from Committee of the Whole, read a third time, and passed.

Assembly Bill No. 391—At Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 524—An Act for the relief of T. P. Riordan.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No 584—An Act concerning the office of District Attorney of the City and County of San Francisco.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 585—An Act to cure and remove certain defects in actions heretofore commenced under Order Number One Thousand and Sixty-six of the Board of Supervisors of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 162—An Act granting privileges to the North Beach and Mission Railroad Company.

Recommitted to the San Francisco delegation.

Senate Bill No. 387—An Act concerning the execution of final process in certain cases.

Read a third time, and passed.

Assembly Bill No. 496—An Act to provide for the payment of two

thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature, April first, eighteen hundred and seventy-two.

House went into Committee of the Whole for consideration of the bill.

The bill was considered in Committee of the Whole, when, on motion of Mr. Stowers, the committee arose, reported the bill back, and recommended its passage as amended.

#### IN ASSEMBLY.

[Speaker pro tem., Mr. Howe, in the chair.]

Assembly Bill No. 496, above reported, amendment recommended adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 577—An Act to add another section to the Penal Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 309—An Act to permit the voters of every township or incorporated city in this State to vote on the question of granting licenses to sell intoxicating liquors.

Ordered to head of the File for to-morrow.

Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to, the Code of Civil Procedure.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

At eight o'clock and fifty minutes P. M., Mr. Hay moved to adjourn.

Lost.

#### INTRODUCTION OF BILL.

Mr. Parker had leave to introduce the following bill:

An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate fares and freights thereon.

Read first and second times, and referred to the Committee on Corporations.

#### GENERAL FILE RESUMED.

Assembly Bill No. 424—An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code.

Amended, and ordered engrossed.

#### REPORTS.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, in Los Angeles County, and to regulate fares and freights

thereon—report the same back, with the recommendation that it be referred to the Los Angeles, San Bernardino, Kern, and Inyo delegations.

SWIFT, Chairman.

Assembly Bill No. 628, above reported, referred to the Los Angeles, Santa Barbara, Kern, and Inyo delegations.

By Mr. Aldrich:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners—recommend its passage.

Also, Assembly Bill No. 574—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession—recommend its passage.

ALDRICH, Chairman.

At nine o'clock and ten minutes P. M., on motion of Mr. Chandler, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, March 14th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Messrs. Kercheval and Gurnett.

### REPORTS.

Reports were submitted as follows:

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 545—An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

Also, Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease certain toll roads in said county, and for other purposes.

Also, Assembly Bill No. 566—An Act to protect agriculture in the County of Calaveras.

Also, Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer.

Also, Assembly Bill No. 252—An Act to enable the City and County of San Francisco to issue revenue bonds.

Also, Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Also, Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

BRADLEY, Chairman.

By Mr. Giffen:

MR. SPEAKER: The delegations to whom was referred Joint Resolution of the Senate and Assembly of the State of Nevada, respectfully urging the Legislature of the State of California to cede to the State of Nevada all the territory of this State lying east of the summit of the Sierra Nevada Mountains, would most respectfully report: That they have carefully considered the subject matter set forth in the preamble to said resolution, and fully concur with the same, so far as relates to the preference of natural boundaries over artificial lines, in the separation of communities into independent governments; and that great injustice is often done by the adoption of artificial instead of natural division lines between States. But your committee cannot, so fully, concur with the views of the Legislature of the State of Nevada, to the effect that it will inure to the great benefit and accommodation of any considerable number of the citizens of the State of California, to change the fixed boundary line between us and our sister State, to the uncertain meanderings of the summit of the Sierra Nevadas. And when we take into consideration that the present boundary line has become well understood, a change, in the opinion of your committee, would only tend to confusion and prove detrimental to the public good.

We therefore recommend that no further action will be taken in the premises.

G. W. GIFFEN,  
For Majority of Delegations.

#### SUPPLEMENTAL REPORT OF BORDER DELEGATIONS.

MR. SPEAKER: As the memorial under consideration was submitted to the present Legislature mainly at my suggestion, it having received no due attention at the hands of the previous one, I deem it not improper for me to supplement the report of the delegations to whom the matter was referred, by one relating more particularly to the counties which lie entirely within the territory in question, and which I have the honor to partly represent—Inyo and Mono.

In the Constitutional Convention of this State, the boundary question was the most hotly contested one of the entire session, the debates thereon occupying more than a week's time. It was repeatedly declared that the summit of the snow-line of the Sierra was the undoubted natural

western boundary of the proposed State. But the ascendant political issues of that day somehow seemed to dictate the formation of a State line much farther west than that finally adopted, which was agreed to as a compromise.

Upon the admission of the State, Congress left the matter open to the further consideration of the Legislature. Since, however, by the formation of Nevada, the National Congress has, by authorized surveys, twice fixed the boundaries as it now stands.

In the opinion of the undersigned, a fair majority of the people of the two counties desire the change, but the question has never been agitated sufficiently to excite a well defined expression. A tenable reason for a change has been that hitherto the people have been practically unrepresented in this Legislature, but such will be no longer the case under the operation of the new apportionment.

The chief and only exports of the counties are the mineral products, and bullion is heavily taxed by Nevada.

Considering that no such tax is imposed by California, in a business point of view there can be but one conclusion, *i. e.*, the inconvenience of isolation and other disadvantages not necessary to recapitulate at length, can be better borne by said counties than they can assume political and geographical place within the Silver State.

Our State government of the future can but rely upon the immense natural wealth of the counties in question for a considerable proportion of her revenues, and from this standpoint the proposed cession would be too ill advised to be seriously contemplated.

PARKER,  
Of Inyo and Mono.

By Mr. Welch:

MR. SPEAKER: The Napa County delegation, to whom was referred Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County—beg leave to report the same back, and recommend its passage.

WELCH, for Delegation.

By Mr. Simpson:

MR. SPEAKER: The Colusa delegation, to whom was referred Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa, approved April fourth, eighteen hundred and seventy—beg leave to report that they have had the same under consideration, and report it back, with the recommendation that it do pass.

SIMPSON, for Delegation.

By Mr. Welch:

MR. SPEAKER: The Napa County delegation, to whom was referred Senate Bill No. 430—An Act amendatory of and supplemental to an Act to provide for the establishment and maintenance of public roads in Napa County, approved March twenty-first, eighteen hundred and sixty-six—beg leave to report the same back, and recommend its passage.

WELCH, for Delegation.

By Mr. Bowers:

Mr. SPEAKER: The San Diego delegation, to whom was referred Senate Bill No. 354, report it back, and recommend its passage.

BOWERS, for Delegation.

Senate Bill No. 354, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Canfield:

Mr. SPEAKER: The Tulare delegation having had under consideration Senate Bill No. 431, would report upon the same and recommend its passage.

CANFIELD, for Delegation.

By Mr. Davis:

Mr. SPEAKER: The Stanislaus delegation, to whom was referred Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus—beg leave to report that they have had the same under consideration, and report it back, and recommend its passage.

DAVIS, for Delegation.

Also, by the same:

Mr. SPEAKER: The Stanislaus delegation, to whom was referred Senate Bill No. 312—An Act concerning the office of Public Administrator, Coroner, and Superintendent of Public Schools, in the County of Stanislaus—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, for Delegation.

By Mr. Parker:

Mr. SPEAKER: The Los Angeles, San Bernardino, Kern, and Inyo delegations, to whom was referred Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, in Los Angeles County, and to regulate fares and freights thereon—respectfully report that they have examined the same, and return it, with a recommendation that it pass.

A. HIGBIE,  
J. E. PARKER,  
WILLIAM G. LONG,  
W. CANFIELD,  
N. J. PISHON,  
J. W. VENABLE,  
JAMES W. SUMMERS,  
For Delegation.

Assembly Bill No. 628, above reported, taken up by unanimous consent, and rules suspended.

Mr. Coggins offered the following amendment to the bill:

"Section 12. The Legislature shall, at any time hereafter, exercise

the right to regulate and reduce the rates of fare and freight on the road constructed under the provisions of this Act."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Coggins, Ferguson, and Parker, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bryan, Burt, Coggins, Franck, Freeman, Hammitt, McCallum, Meyers, Miller, Murphy, Paulsell, Rea, Roush, Russell, Simpser, Simpson, Swift, Tully, Welch, and Williams—21.

**NOES**—Messrs. Ables, Amerman, Barton, Bowers, Bradley, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Klotz, Knox, Long, Morgan, Northcutt, Northup, Parker, Patterson, Peek, Pelham, Pishon, Rogers, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Vandall, Venable, Wickware, Winchell, and Mr. Speaker—51.

The bill was amended, and considered engrossed.

On the passage of the bill, the ayes and noes were demanded by Messrs. Coggins, Snyder, and Ferguson, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Byrnes, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Klotz, Knox, Long, McCallum, Miller, Morgan, Northcutt, Northup, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Wickware, Winchell, and Mr. Speaker—60.

**NOES**—Messrs. Burt, Coggins, Franck, Freeman, Murphy, Paulsell, Roush, Simpser, Swift, and Williams—10.

By Mr. Ferguson:

**MR. SPEAKER:** The Tulare and Fresno delegation, to whom was referred Senate Bill No. 74—An Act to fix the boundary line between Tulare and Fresno Counties—beg leave to report the same back, and recommend its passage.

CANFIELD,  
FERGUSON.

By Mr. Hay:

**MR. SPEAKER:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Substitute for Assembly Bill No. 261—An Act to amend section three hundred and forty-eight of the Political Code;

Also, Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County;

Also, Assembly Bill No. 481—An Act to amend an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hun-

dred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo;

Also, Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization;

Also, Assembly Bill No. 213—An Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 96—An Act to define the Senatorial and Assembly districts of this State, and to apportion the representation thereof;

Also, Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code;

And that the same have, this fourteenth day of March, eighteen hundred and seventy-four, at ten o'clock and twenty minutes A. M., been delivered to the Governor for his approval.

HAY, Chairman.

#### PETITION.

By Mr. Hurlburt—from citizens of Humboldt County, asking for an investigation into swamp land matters.

Referred to the Swamp Land Investigation Committee.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 387—An Act for the incorporation of the Town of Wheatland, Yuba County.

Also, Assembly Bill No. 377—An Act to protect the groves of big trees in the Counties of Fresno, Tulare, and Kern.

Also, Assembly Bill No. 440—An Act to change the name of a town in Siskiyou County.

Also, Assembly Bill No. 477—An Act relating to license fees in the County of Sierra.

Also, Assembly Bill No. 491—An Act to amend an Act entitled an Act concerning the compensation of certain county officers in the County of Los Angeles, approved February twenty-sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 463—An Act to fix the salaries of the County Judges of Fresno, Tulare, and Kern Counties.

Also, Assembly Bill No. 446—An Act concerning lawful and partition fences in Modoc County.

Also, Assembly Bill No. 319—An Act to unite Putah School District,



in the County of Solano, and Yolo School District, in the County of Yolo.

Also, Assembly Bill No. 355—An Act to authorize the transfer and loan of certain funds in Lake County.

Also, Assembly Bill No. 470—An Act reorganizing the Board of Supervisors in the County of Placer, and providing for the election of the same.

Also, Assembly Bill No. 288—An Act amendatory of the Code of Civil Procedure of the State of California, by adding thereto a section, to be designated section one thousand two hundred and seventy-nine.

Also, Assembly Bill No. 455—An Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Assembly Bill No. 468—An Act to repeal all special road laws in Mendocino County.

Also, Assembly Bill No. 136—An Act to amend the Political Code of the State of California.

Also, Assembly Bill No. 201—An Act to amend an Act entitled an Act to vacate certain streets, alleys, and market-places in the City and County of San Francisco, and to donate the same and other tide lands belonging to the State of California, to said City and County of San Francisco, for commercial purposes, and other matters relating thereto, approved March thirtieth, eighteen hundred and seventy-two.

NEWTON BOOTH,  
Governor.

#### RESOLUTION.

By Mr. Cowdery:

WHEREAS, It is made the duty of the Chief Clerk, by section two hundred and fifty-three of the Political Code, to superintend all copying done for this House; therefore,

*Resolved*, That the minutes of the Assembly be compared carefully by him, with the Journal, and after all corrections are made, he shall furnish a copy of said Journal to the State Printer, for which service he shall receive six cents per folio, and for preparing all copy necessary to the publication of the appendices, he shall receive six cents per folio—said amounts to be paid out of the Contingent Fund of the Assembly, and the Secretary of State is authorized to compute and certify the same, and the Controller of State is authorized and directed to draw his warrant on the Treasurer for the amount so certified by the Secretary of State, and the Treasurer is hereby authorized and directed to pay the same; and for the purpose of carrying this resolution into effect, the Minute Clerk is hereby directed to deliver the minutes, after the same shall have been copied into the Journal, to the Chief Clerk of this House.

Referred to the Committee on Rules and Employés.

#### REPORT.

Mr. Aldrich had leave to make the following report:

Mr. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 588—An Act in relation to warehouse

and wharfinger receipts, and other matters pertaining thereto—report the same back, with an amendment to the enacting clause, and recommend that it do pass.

ALDRICH, Chairman.

MESSAGE, FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 14th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, receded from its amendments to sections twenty-seven and ninety six, but refuses to recede from its amendments to sections eighty-five, one hundred and twenty-four, one hundred and seventy-four, one hundred and seventy-five, and one hundred and seventy-six, to Assembly Bill No. 102, and have appointed, on the part of the Senate, Senators Pendegast, Laine, and Graves as a Committee of Free Conference, and request the appointment of a like committee on the part of the Assembly on Assembly Bill No. 102—An Act to amend the Civil Code:

E. L. CRAWFORD,  
Assistant Secretary.

The Speaker appointed Messrs. Williams, Cowdery, and Murphy on the part of the Assembly as a Committee of Conference on the disagreeing vote of the two Houses on Assembly Bill No. 102.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tinnin—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Paulsell—An Act to prevent the destruction of certain birds in San Joaquin County.

Read first and second times, and referred to the Committee on Fish and Game.

By Mr. Hamill—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Gray—An Act to repeal an Act to make women eligible to educational offices.

Read first time, when Mr. Coggins moved that the bill be rejected, on which the ayes and noes were demanded by Messrs. Gray, Tinnin, and Swift, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Coggins, Cowdery, Cressler, Freidenrich, Hammitt, Heald, Higbie, Hill, Hurlburt, Knox, McCallum, Meyers, Northcutt,

Norton, Rea, Russell, Simpson, Snyder, Swift, Terrill, Thomas, Tully, Wickware, Williams, Winchell, and Mr. Speaker—35.

NOES—Messrs. Amerman, Byrnes, Clark, Davis, Dixon, Escandon, Fahy, Franck, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Hay, Howe, Klotz, Long, McBride, Miller, Morgan, Murphy, Patterson, Paulsell, Peek, Pelliam, Pishon, Rogers, Roush, Simpers, Stowers, Tinnin, and Venable—34.

By Mr. Norton—An Act to add a section to the Penal Code of California to punish persons for using unstamped weights and measures.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Pelham—An Act to prevent discrimination against female teachers.

Read first and second times, and referred to the Committee on Education.

By Mr. Canfield—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Williams—An Act to amend section fifty-eight of the Code of Civil Procedure.

Read first and second times, by unanimous consent taken up, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Meyers—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the County Recorder ex officio Auditor.

Read first and second times, and referred to the San Joaquin delegation.

By Mr. Coggins—An Act to amend sections seven hundred and fifty-three and two thousand three hundred and sixteen of the Political Code.

Read first and second times, and referred to the Special Committee on the Political Code.

#### REPORTS.

Mr. Norton had leave to make the following report:

MR. SPEAKER: The Special Committee on the Political Code, to whom was referred Assembly Bill No. 205, having had the same under consideration, respectfully report it back to the House with amendments, and recommend its passage as amended.

NORTON, Chairman.

Assembly Bill No. 205, above reported, made special order for Tuesday next, at seven o'clock P. M., by unanimous consent.

Mr. Amerman had leave to make the following report:

MR. SPEAKER: The Special Committee on Seals and Sea Lions, to whom was referred Assembly Bill No. 473—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance to the harbor of San Francisco, approved April eighth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six—respectfully report the same back, and recommend its passage.

Your committee would further report that they have had under consideration Assembly Bill No. 474—An Act to repeal section five hundred and ninety-nine of the Penal Code—and report back a substitute, and recommend the passage of the substitute.

AMERMAN, Chairman.

Assembly Bill No. 473, above reported, taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 474, above reported, taken up, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. Paulsell had leave to make the following report:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin—have considered the same, and beg leave to report it back, and recommend that all the amendments be concurred in, except amendments one and three to section four, which last named amendments we recommend be not concurred in, and that the Speaker appoint a Committee of Conference.

PAULSELL, for Delegation.

Assembly Bill No. 420, above reported, the House concurred in certain Senate amendments, and refused to concur in certain other amendments.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

Mr. Freeman had leave to introduce the following: An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the State.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Meyers—An Act to change the name of the Town of Mokelumne.

Read first and second times, and ordered on File.

At twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

By unanimous consent the suspension of Rule Seventy, of this House, was continued for to-day.

#### INTRODUCTION OF BILL.

Mr. Coggins had leave to introduce the following bill: An Act to amend the Political Code concerning military affairs.

Read first and second times, and referred to the Committee on Military Affairs.

RESOLUTION.

Mr. Amerman had leave to introduce the following resolution:

*Resolved*, That Rule Seventy of the Standing Rules of the House be and the same is hereby suspended until the last day of the session of the present Legislature.

Laid on the table for one day, under the rules.

GENERAL FILE.

Senate Bill No. 309—An Act to permit the voters of every township, incorporate city, or county, in this State, to vote on the question of granting licenses to sell intoxicating liquors.

Mr. Tinnin moved to amend as follows: Amend section one by striking out the words "one fourth" and inserting "one half."

On the adoption of which, the ayes and noes were demanded by Messrs. Cowdery, Ables, and Paulsell, and the House refused, by the following vote:

AYES—Messrs. Bradley, Burt, Byrnes, Clark, Dixon, Escandon, Fahey, Franck, Freidenrich, Giffen, Gilmore of Calaveras, Hamill, Hammitt, Hay, Heald, Hill, Klotz, McBride, Miller, Morgan, Murphy, Northup, Peek, Pelham, Pishon, Roush, Simpers, Snyder, Stowers, Swift, Terrill, Tinnin, Venable, Welch, and Wickware—35.

NOES—Messrs. Ables, Aldrich, Amerman, Barton, Bryan, Byers, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Freeman, Higbie, Howe, Hurlburt, Knox, Long, McCallum, Meyers, Northcutt, Norton, Parker, Patterson, Paulsell, Rea, Rogers, Russell, Simpson, Summers, Thomas, Tully, Williams, Winchell, and Mr. Speaker—35.

Mr. Miller moved to amend section three of the bill as follows: "*Provided*, the expenses of election shall be paid by the parties signing the petition."

On which the ayes and noes were demanded by Messrs. Long, Fahey, and Summers, and the House refused, by the following vote:

AYES—Messrs. Amerman, Barton, Bradley, Dixon, Escandon, Fahey, Franck, Gilmore of Calaveras, Hamill, Heald, Hill, Miller, Murphy, Northup, Peek, Pishon, Simpers, Snyder, Terrill, Tinnin, and Vandall—21.

NOES—Messrs. Ables, Aldrich, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Freidenrich, Giffen, Hammitt, Higbie, Howe, Hurlburt, Klotz, Knox, Long, McBride, McCallum, Meyers, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpson, Stowers, Summers, Swift, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—46.

Mr. Murphy moved the following amendment:

"Section 11. This Act shall apply to wholesale dealers in liquors, as well as to retail dealers in the same."

On the adoption of which, the ayes and noes were demanded by Messrs. Murphy, Tinnin, and Snyder, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Byrnes, Davis, Dixon, Escandon, Fahey, Franck, Gilmore of Calaveras, Hamill, Heald, Hill, Howe, Klotz, McBride, Miller, Murphy, Northup, Peek, Pelham, Simpser, Simpson, Snyder, Stowers, Terrill, and Tinnin—25.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bryan, Burt, Byers, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Freidenrich, Giffen, Gilmore of El Dorado, Hammitt, Higbie, Hurlburt, Knox, Long, McCallum, Meyers, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Summers, Swift, Thomas, Tully, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—44.

The previous question was demanded by the requisite number, when, on motion of Mr. Tinnin, a call of the House was had.

The doors were closed, the roll was re-called, when all of the members answered to their names, except those absent on leave, and the following: Messrs. Ferguson, Bradley, Ingham, Carter, Gray, Freeman, and Welch. Excuses were offered for all of these, and accepted, except as to Mr. Freeman, who was brought before the bar of the House by the Sergeant-at-Arms, and excused, when the Speaker announced the call of the House exhausted.

On the passage of the bill, as amended, the ayes and noes were demanded by Messrs. Tinnin, Northup, and Hamill, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Freeman, Giffen, Gilmore of El Dorado, Hammitt, Higbie, Hill, Howe, Hurlburt, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpson, Stowers, Summers, Swift, Terrill, Thomas, Venable, Williams, Winchell, and Mr. Speaker—52.

**NOES**—Messrs. Dixon, Escandon, Fahey, Franck, Freidenrich, Gilmore of Calaveras, Hamill, Hay, Heald, Murphy, Northup, Peek, Pishon, Simpser, Snyder, Tinnin, Tully, Vandall, and Wickware—19.

#### PETITION.

Mr. Rogers had leave to present a petition from the Trustees of the California State Woman's Hospital, asking an appropriation.

Referred to the Committee on State Hospitals.

#### INTRODUCTION OF BILL.

Mr. Heald had leave to introduce the following bill: An Act to add another section to the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

RESOLUTION.

By Mr. Stowers:

*Resolved*, That Robert Patton be allowed the work of copying the Assembly Journal for the State Printer, the said work to be done at the rate of five cents a folio.

Referred to the Committee on Rules and Employés.

REPORTS.

Reports were submitted as follows:

By Mr. Chandler:

Mr. SPEAKER: The Sutter delegation, to whom was referred Assembly Bill No. 627—An Act to make the bridge across the Stone Road Crossing, in Sutter County, a free bridge, and for said county to own and control the same—have had the same under consideration, and report it back, and recommend its passage.

CHANDLER, for Delegation.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 543—An Act to provide for the purchase and construction of free bridges in Big River Township, County of Mendocino.

Also, Assembly Bill No. 564—An Act to regulate the salaries and fix the compensation of the present county officers of Napa County.

Also, Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

BRADLEY, Chairman.

RESOLUTION.

By Mr. Meyers:

*Resolved*, That the Engrossing Clerk be authorized, whenever it is necessary to the prompt dispatch of the business of this House, to have engrossed from time to time, by persons other than himself or his appointees, such number of folios as to the Committee on Rules and Employés may seem necessary, at the rate of fifteen cents per folio, and that said Engrossing Clerk be required to keep a record of all the bills engrossed, giving the number of each bill, the number of folios in each, and by whom engrossed, and that he report the amount of work done and the amount on hand, whenever called upon to do so by the Committee on Rules and Employés.

Adopted.

GENERAL FILE RESUMED.

Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

Mr. Terrill moved to amend section twenty-one as follows: "After the word 'follows,' on line seven of written bill, the following: '*provided*, that the labor of the convicts shall not be contracted to any person for a less amount than seventy-five per cent of the rate paid for free labor of that character in the City of San Francisco, and any contract in violation of this provision shall be void.'"

On which the ayes and noes were demanded by Messrs. Ables, Terrill, and Snyder, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Byrnes, Chandler, Coggins, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Hurlburt, Klotz, McBride, Miller, Murphy, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Roush, Simpson, Summers, Swift, Terrill, Tully, Vandall, Venable, and Winchell—42.

**NOES**—Messrs. Ables, Aldrich, Burt, Byers, Canfield, Clark, Cowdery, Cressler, Davis, Giffen, Gilmore of El Dorado, Knox, Long, McCallum, Meyers, Morgan, Northcutt, Paulsell, Russell, Simpers, Snyder, Tinnin, Wickware, Williams, and Mr. Speaker—25.

The bill was further amended, and ordered engrossed.

At four o'clock and thirty-five minutes p. m., Mr. Murphy moved to adjourn, on which the ayes and noes were demanded by Messrs. Ables, Terrill, and Vandall, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Chandler, Clark, Coggins, Cressler, Fahey, Giffen, Gilmore of El Dorado, Hammitt, Hill, Howe, Hurlburt, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Peek, Pishon, Simpers, Snyder, Summers, Swift, Tinnin, Wickware, Williams, Winchell, and Mr. Speaker—34.

**NOES**—Messrs. Ables, Aldrich, Barton, Burt, Byers, Cowdery, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Hamill, Hay, Heald, Higbie, Klotz, Knox, McCallum, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpson, Terrill, Tully, Venable, and Welch—35.

Mr. Bowers gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, adopted the amendment to section twenty one of the bill.

On motion of Mr. Ables, the bill was ordered to the top of the File for Monday next.

#### RESOLUTION.

Mr. Vandall had leave to introduce the following resolution:

*Resolved*, That the Committee on Public Printing be empowered to send for persons and papers, and to employ a shorthand reporter, at a per diem not to exceed eight dollars while actually employed in taking and transcribing testimony touching the investigation of certain claims now before the committee in behalf of the late State Printer, T. A. Springer, and provided for in Assembly Bill No. 565.

Adopted.



## INTRODUCTION OF BILL.

Mr. Tully had leave to introduce the following bill: An Act to authorize the Mayor and Common Council of Salinas City to build a school house, and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same.

Read first and second times, and referred to the Monterey delegation.

At four o'clock and forty-six minutes P. M., on motion of Mr. Freeman, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, March 16th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Thomas.

## PETITIONS.

By Mr. Bowers—from Charles E. Pickett, alleging irregularities by members of the Supreme Court, and asking for their impeachment.

Pending the reading of the document, the Speaker ruled it out of order.

By Mr. Long—from citizens of Inyo County, remonstrating against a pending no fence law.

Referred to the Committee on Agriculture.

## REPORTS.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 232—proposed amendment to section ten of Article IX of the Constitution.

Also, Assembly Bill No. 127—proposed amendments to the Constitution of the State of California.

Also, Assembly Bill No. 89—An Act proposing amendments to section three of Article VI, and section one of Article IX, of the Constitution of the State of California.

Also, Assembly Bill No. 29—proposed amendment to the Constitution of the State of California.

Also, Assembly Bill No. 39—An Act to amend section two of Article IV of the Constitution of the State of California.

Also, Assembly Bill No. 37—proposed amendment to the Constitution of the State of California.

Also, Assembly Bill No. 3—An Act to amend the Constitution of the State of California.

And report as follows: That for the purpose of facilitating business, and having before each House the same amendments, the Judiciary Committees of the Senate and Assembly have held joint meetings for the purpose of considering constitutional amendments; and, as the result of their deliberations, report the accompanying proposed amendments as a substitute for all the bills, proposing amendments to the Constitution, heretofore introduced.

WILLIAMS, Chairman.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 556—An Act to authorize C. N. Reynolds to sue the State of California, and provide for the payment of any judgment he may obtain—beg leave to report that they have had said bill under consideration, and respectfully report it back, without recommendation.

Also, Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County—your committee have examined this bill, and beg leave to report it back, without recommendation.

Also, Senate Bill No. 349—An Act to authorize the State Controller to issue duplicate warrants—your committee have considered this bill, and beg leave to report it back, and recommend its passage.

Also, Senate Bill No. 352—An Act to authorize the Controller of State to issue duplicate warrant—your committee have considered this bill, and beg leave to report it back, and recommend its passage.

Also, Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County—your committee have considered this bill, and beg leave to report it back, and recommend that it be referred to the San Luis Obispo delegation.

Also, Senate Bill No. 413—An Act for the relief of M. B. Pond—your committee have examined this bill, and beg leave to report it back, and recommend that it be referred to the Napa delegation.

Also, Assembly Bill No. 626—An Act to pay certain claims for services as witnesses summoned on behalf of the State—your committee have considered this bill, and beg leave to report it back, with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 597—An Act to settle certain claims against the State—your committee have considered this bill, and beg leave to report it back, and recommend that it be referred to the Committee on Swamp and Overflowed Lands.

TINNIN, Chairman.

Assembly Bill No. 556, above reported, referred to the Judiciary Committee.

Senate Bill No. 375, above reported, referred to the San Luis Obispo delegation.

Senate Bill No. 413, above reported, referred to the Napa delegation.

Assembly Bill No. 626, above reported, re-referred to the Committee on Claims.

Assembly Bill No. 597, above reported, referred to the Committee on Swamp and Overflowed Lands.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means have had under consideration Assembly Bill No. 528—An Act concerning double assessment of property for taxes for the fiscal year—report the same back, and recommend that it be referred to the Judiciary Committee.

FREEMAN, Chairman.

Assembly Bill No. 528, above reported, referred to the Judiciary Committee.

By Mr. Tully:

MR. SPEAKER: The Monterey delegation, to whom was referred Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals, in the County of Monterey—have considered the same, and report it back with a recommendation that it do pass.

TULLY, for Delegation.

#### RECONSIDERATION.

Pursuant to notice, Mr. Bowers moved to reconsider the vote by which the House, on Saturday, adopted the following amendment to section twenty-one of Assembly Bill No. 246, offered by Mr. Terrill: After the word "follows," on line seven of written bill, the following: "*Provided*, that the labor of the convicts shall not be contracted to any person for a less amount than seventy-five per cent of the rate paid for free labor of that character in the City of San Francisco, and any contract in violation of this provision shall be void."

Pending discussion of the motion to reconsider, Mr. Cowdery objected to the language used by Mr. Patterson, which he alleged to be as follows, and requested that the same be reduced to writing. Mr. Patterson said: "I have been informed by gentlemen from San Francisco, interested in this matter, that large sums of money had been threatened by parties, that, if it was necessary, would be used for the purpose of defeating the bill that I introduced for the purpose of doing away with the contract system. I have been asked, on the other hand, if it was necessary to use money on the opposite side."

On motion of Mr. Tinnin, further action on the above matter was deferred until to-morrow, at eleven o'clock A. M.

At eleven o'clock and fifty-eight minutes A. M., on motion of Mr. Ables, the time for recess was extended until the pending bill shall have been disposed of.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Ables, Aldrich, and Terrill, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Higbie, Hill, Howe, Ingham, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Northcutt, Parker, Paulsell, Peek, Pelham, Rea, Rogers,

Roush, Russell, Simpers, Snyder, Summers, Tinnin, Tully, Vandall, Wickware, Williams, and Mr. Speaker—49.

NOES—Messrs. Barton, Byrnes, Coggins, Dixon, Fahey, Franck, Freeman, Freidenrich, Hamill, Murphy, Northup, Norton, Patterson, Simpson, Swift, Terrill, Venable, Welch, and Winchell—19.

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Murphy, Cressler, and Ables, and the House refused, by the following vote:

AYES—Messrs. Barton, Byrnes, Coggins, Dixon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Hamill, Hay, Murphy, Northup, Norton, Patterson, Swift, Terrill, Venable, Welch, and Winchell—21.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Giffen, Gilmore of El Dorado, Hammitt, Higbie, Hill, Howe, Ingham, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Northcutt, Parker, Paulsell, Peek, Pelham, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Summers, Tinnin, Tully, Vandall, Wickware, Williams, and Mr. Speaker—47.

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. Howe, the House took a recess until one o'clock and thirty minutes P. M.

#### REASSEMBLED.

The House reassembled at one o'clock and thirty minutes P. M.  
Speaker in the chair.  
Roll called, and a quorum present.

#### INTRODUCTION OF BILL.

Mr. Coggins had leave to introduce the following bill: An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

Read first and second times, and ordered on File.

#### RESOLUTIONS.

Resolutions were submitted, as follows:

By Mr. Meyers:

*Resolved*, That the whole matter relative to printing of the Journals of the present session be referred to the Committee on Printing, with authority on the part of said committee to investigate in regard to what portions of the Journal it is necessary to print, to receive bids for the necessary copying and compiling of the Journals for the State Printer, and to make a contract therefor, in their discretion, with a responsible, competent bidder, at such fair and reasonable price as shall secure the correctness of the Journal, Appendix and indices thereto; and the Controller of State is hereby authorized to draw his warrant, from time to time, for the work so contracted for and certified by the Secre-

tary of State as having been performed, and the Treasurer to pay the same out of any moneys appropriated for contingent expenses of the Assembly.

Referred to the Committee on Rules and Employés.  
By Mr. Byrnes:

*Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be allowed to correct certain clerical errors in Assembly Bill No. 466, by striking out the words "the County Treasurer and attested by the Clerk of the Board of Supervisors" where it occurs the second time in section twenty-six.*

Adopted.  
By Mr. Chandler:

*Resolved, That the Clerk of the Assembly be authorized to indorse a certain amendment to Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter—as "adopted," and that the Engrossing Clerk be authorized to engross the bill as it was amended.*

Adopted.

#### REPORTS.

By Mr. Cowdery:

MR. SPEAKER: Your Committee of Conference upon the Assembly amendment to Senate Bill No. 224—An Act to amend section six hundred and thirty two of the Penal Code—beg leave to report that they have considered the matter of difference between the Senate and Assembly, and they recommend the Assembly to recede from its amendment.

AMERMAN,  
COWDERY,  
TINNIN.

Adopted.

Assembly Bill No. 643, reported by Judiciary Committee this morning, was read first and second times, and ordered on File.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 409—An Act for the relief of the Commissioners of the Laguna Survey—respectfully return the same, with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 285—An Act to open, establish, and grade a certain street in the City and County of San Francisco, to be known as Ninth Avenue, and for other purposes—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 560—An Act to legalize certain assessments for street work done in the City and County of San Francisco—with the recommendation that it do not pass.

Also, Assembly Bill No. 324—An Act for the relief of Thaddeus R. Brooks—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 354—An Act amendatory of the Act to organize and regulate the Justices' Court in the City and County of San Francisco—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 559—An Act to open and establish a public street in the City and County of San Francisco, to be called Western Avenue, and to take private lands therefor—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 373—An Act concerning the collection of licenses in the City and County of San Francisco—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 580—An Act to provide for the relief of Eliza Leite Scott, Andrew B. McCreery, and others—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 618—An Act to provide for the widening of Dupont street in the City and County of San Francisco—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder—with the recommendation that it do not pass.

SWIFT, Chairman.

Assembly Bill No. 560, above reported, taken up, and engrossment refused.

Assembly Bill No. 324, above reported, indefinitely postponed.

Assembly Bill No. 519, above reported, Mr. Hamill made the following report in reference thereto:

MR. SPEAKER: We, the undersigned, minority of the San Francisco delegation, respectfully report that we have had under consideration Assembly Bill No. 519—An Act entitled an Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder—and recommend that said bill be recommitted to the San Francisco delegation, for the purpose of amending the same to make it conform to the provisions of bills of like character, approved by the San Francisco delegation, and passed by the Assembly.

JOHN HAMILL,  
CHARLES C. TERRILL,  
B. C. VANDALL,  
W. A. ALDRICH.

Assembly Bill No. 519, above reported, was recommitted to the San Francisco delegation.

Assembly Bill No. 373, above reported, indefinitely postponed.

Assembly Bill No. 580, above reported, by unanimous consent, withdrawn by the author.

Assembly Bill No. 618, above reported, recommitted to the San Francisco delegation.

Assembly Bill No. 555, above reported, indefinitely postponed.

Assembly Bill No. 354, above reported, indefinitely postponed.

Assembly Bill No. 285, above reported, indefinitely postponed.

Assembly Bill No. 409, above reported, indefinitely postponed.

On motion of Mr. Higbie, Assembly Bill No. 454—An Act to discourage drunkenness, and diminish crime and pauperism, was referred to the Committee on Public Morals.

## RESOLUTIONS.

By Mr. Northup:

*Resolved*, That the usual number of copies of the reports of the committee to whom was referred memorial from the Legislature of Nevada, relative to the cession of territory to that State, be ordered printed.

Adopted.

By Mr. Tully:

*Resolved*, That B. F. Jeffries be authorized to copy the Journal and Appendix for the State Printer, at the rate of ten cents per folio, and that the Controller be authorized to draw his warrants for the amounts certified to by the Secretary of State, and the Treasurer be directed to pay the same.

Referred to the Committee on Rules and Employés.

On motion of Mr. Barton, the Committee on Corporations was ordered to report back Assembly Bill No. 489.

Assembly Bill No. 500 was withdrawn from the File by its author.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 14th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirteenth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 442—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls on certain wagon roads.

Also, on this day, passed Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

Also, passed Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

Also, passed Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County.

Also, passed Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin.

Also, amended and passed Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park.

Also, amended and passed Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo.

Also, amended and passed Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties.

Also, amended and passed Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda.

Also, indefinitely postponed Assembly Bill No. 532—An Act to sepa-

rate the office of County Recorder from that of County Clerk in Santa Barbara County.

Also, passed Assembly Bill No. 612—An Act to amend an Act entitled an Act to reorganize the Supervisor Districts of the County of Monterey.

Also, passed Assembly Bill No. 485—An Act concerning road poll tax for Tehama County.

Also, concurred in Assembly amendments to Senate Bills Nos. 181 and 289.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 16th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the fourteenth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 301—An Act to divide the County of Solano and to erect within the present limits of said county a new county, to be known as Vallejo County.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 301, above reported, read first and second times, and on the motion to refer to the Committee on Counties and County Boundaries, the ayes and noes were demanded by Messrs. Tinnin, Norton, and Peck, and the House so ordered, by the following vote:

AYES—Messrs. Barton, Bryan, Byrnes, Canfield, Clark, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Hammitt, Hay, Higbie, Hill, Ingham, Long, McBride, Meyers, Morgan, Murphy, Northcutt, Northup, Parker, Paulsell, Peek, Pelham, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Venable, and Williams—39.

NOES—Messrs. Ables, Aldrich, Bowers, Bradley, Burt, Byers, Carter, Chandler, Coggins, Cowdery, Freidenrich, Gilmore of El Dorado, Gray, Gurnett, Hamill, Heald, Howe, Hurlburt, Klotz, Knox, McCallum, Norton, Patterson, Pishon, Rea, Rogers, Roush, Russell, Simpers, Swift, Terrill, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—36.

Mr. Williams moved to increase the Committee on Counties and County Boundaries by adding Mr. Heald of Solano to said committee, which motion was laid over under the rules.

Senate Bill No. 380, above reported, read first and second times, and referred to the Committee on Public Buildings and Grounds.

Senate Bill No. 442, above reported, read first and second times, and referred to the Trinity delegation.

Assembly Bill No. 517, above reported, Senate amendments concurred in.

Assembly Bill No. 495, above reported, Senate amendments concurred in.

Assembly Bill No. 530, above reported, Senate amendments concurred in.



Assembly Bill No. 383, above reported, Senate substitute adopted, read a third time, and passed.

Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno—temporarily withdrawn from the File by Mr. Ferguson, was reported back with amendments, which were adopted, and returned to the File. Mr. Ferguson's report thereupon was as follows:

MR. SPEAKER: The Fresno delegation, having had leave to temporarily withdraw Senate Bill No. 74—An Act to fix the boundary line between Tulare and Fresno Counties—report it back, with corrections appended.

FERGUSON.

#### RESOLUTIONS.

By Mr. Gilmore of El Dorado:

*Resolved*, That the Engrossing Clerk be authorized to amend the title of Assembly Bill No. 424 by striking out the words and figures "426."

Adopted.

By Mr. Tully:

*Resolved*, That the Enrolling Clerk of this House be and he is hereby authorized to correct clerical errors in the enacting clause and the sectionizing of Assembly Bill No. 612.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hammitt—An Act supplemental to an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code, approved March thirteenth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Committee on Education.

By Mr. Hammitt—An Act for the protection of coal mines and coal miners.

Read first and second times, and ordered on File.

By Mr. Chandler—An Act amendatory to an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Howe—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read first and second times, and referred to the San Francisco delegation.

By Mr. McCallum—An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah, Mendocino County.

Read first and second times, and referred to the Mendocino delegation.

By Mr. Gilmore of El Dorado—An Act to provide for an equitable assessment of live stock pastured on the Sierra Nevada Mountains during the Summer months, and kept in the State of Nevada during the Winter season.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Gurnett—An Act ratifying and confirming actions of Common Council of the City of Oakland, for the relief of J. N. Bailey.

Read first and second times, and referred to the Alameda delegation.

Also, an Act to fix the compensation of the Deputy Sheriff of Alameda County.

Read first and second times, and referred to the Alameda delegation.

By Mr. Russell—An Act supplemental to an Act entitled an Act to regulate the fees of office and to fix the compensation of the officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Patterson—An Act concerning the State Harbor Commissioners, and for other purposes.

Read first and second times, and referred to the Committee on Commerce and Navigation.

By Mr. Thomas—An Act supplementary to and amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six, approved January thirty-first, eighteen hundred and seventy.

Read first and second times, and ordered on File.

By Mr. Bradley—An Act to confer additional power on municipal authorities in incorporate cities and towns in this State.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Dixon—An Act to amend the Political Code of this State.

Read first and second times, and referred to the Special Committee on Political Code.

#### REPORTS.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple street to its intersection with Main street, and to condemn private property for the roadway of said street;

Also, Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code;

Also, Assembly Bill No. 231—An Act to transfer certain funds in the County of Kern;

Also, Assembly Bill No. 534—An Act for the protection of property at East Park, in Sacramento County;

Also, Assembly Bill No. 563—An Act to amend an Act entitled an Act to amend an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two;

Also, Assembly Bill No. 548—An Act relating to the Supervisors of San Joaquin County;

Also, Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta;

Also, Assembly Bill No. 557—An Act to extend the provisions of the trespass law to San Benito County;

Also, Assembly Concurrent Resolution No. 48—asking for the establishment of a lighthouse and fog bell on Yerba Buena Island;

Also, Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying ground;

Also, Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section thirty-two hundred and forty of said Code;

And that the same have, this sixteenth day of March, eighteen hundred and seventy-four, at eleven o'clock and fifty minutes A. M., been delivered to the Governor for his approval.

HAY, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 570—An Act to incorporate the Town of Yuba City.

Also, Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter.

Also, Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara.

Also, Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

Also, Assembly Bill No. 423—An Act making appropriations for the purchase of apparatus for the State Normal School.

Also, Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators.

Also, Assembly Bill No. 165—An Act to amend the Civil Code of this State.

Also, Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

Also, Assembly Bill No. 294—An Act to amend section thirty-five hundred and seventy-three of the Political Code.

Also, Assembly Bill No. 447—An Act to amend an Act entitled an Act supplemental to an Act entitled an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty, approved March twenty-first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 402—An Act to quiet the title to certain lands.

Also, Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale.

Also, Assembly Bill No. 462—An Act to amend the Penal Code.

Also, Assembly Bill No. 511—An Act to protect the rights of stockholders in incorporated companies.

Also, Assembly Bill No. 512—An Act to amend section two thousand eight hundred and eighty-one of the Political Code.

Also, Assembly Bill No. 451—An Act to consolidate certain school districts in the Counties of Sacramento and San Joaquin.

Also, Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento.

Also, Assembly Bill No. 579—An Act granting leave of absence to J. J. Welch, Sheriff of Mono County.

Also, Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

Also, Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Also, Assembly Bill No. 567—An Act to declare Moro Cojo Slough, in Monterey County, navigable.

Also, Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 391—An Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos.

Also, Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature, April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 577—An Act to add another section to the Penal Code.

Also, Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to, the Code of Civil Procedure.

Also, Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

Also, Assembly Bill No. 624—An Act amendatory of an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

Also, Assembly Bill No. 622—An Act to provide funds for the school department of the City of Oakland.

Also, Assembly Bill No. 596—An Act authorizing the Board of Education of San Francisco to exchange a lot in said city.

Also, Assembly Bill No. 524—An Act for the relief of T. P. Reardon.

Also, Assembly Bill No. 584—An Act concerning the District Attorney of San Francisco.

Also, Assembly Bill No. 585—An Act to cure and remove certain defects in San Francisco ordinances.

Also, Assembly Bill No. 594—An Act to legalize the grades of certain streets in San Francisco.

Also, Assembly Bill No. 424—An Act to amend sections four hundred and thirty-six, six hundred and sixty, and six hundred and sixty-one of the Political Code.

Also, Assembly Bill No. 628—An Act to provide for the construction of a railroad in Inyo County.

Also, Assembly Bill No. 474—An Act to repeal section five hundred and ninety-nine of the Penal Code.

BRADLEY, Chairman.

#### INTRODUCTION OF BILL.

Mr. Norton had leave to introduce the following bill—An Act respecting actions against railroad and mining corporations and stockholders therein, in Justices' Courts.

Read first and second times, and referred to the Judiciary Committee.

#### GENERAL FILE.

Assembly Bill No. 141—An Act to provide for the construction of wagon roads within the limits and between the Yosemite and Mariposa Big Tree Parks.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Ferguson in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Vandall, the committee arose, reported the bill back, and recommended that the enacting clause be stricken out.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 141, above reported from the Committee of the Whole, the enacting clause was ordered stricken out.

Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

Ordered to head of the File for to-morrow.

Assembly Bill No. 529—An Act to complete the geological survey of the State of California.

Passed on the File.

Assembly Bill No. 414—An Act regulating the measurement of water when sold for mining purposes.

Passed on the File.

Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise.

Amended, ordered engrossed, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 332—An Act to create a permanent Commission on law codification.

Amended, and, on the engrossment of the bill, the ayes and noes were demanded by Messrs. Bowers, Chandler, and Hay, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Hay, Heald, Higbie, Howe, Ingham, Klotz, Knox, McBride, McCallum, Meyers, Miller, Norton, Patterson, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Russell, Simpers, Snyder, Stowers, Swift, Terrill, Thomas, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—58.

**NOES**—Messrs. Barton, Bowers, Ferguson, Gilmore of Calaveras, Hill, Hurlburt, Long, Murphy, Northcutt, Northup, Parker, Pelham, Summers, and Tinnin—14.

The rules were suspended, bill considered engrossed, read a third time, and passed.

At four o'clock and thirty-five minutes P. M., Mr. Thomas moved to adjourn, on which the ayes and noes were demanded by Messrs. Klotz, Dixon, and Northcutt, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bryan, Byers, Byrnes, Clark, Coggins, Cowdery, Escandon, Fahey, Gilmore of El Dorado, Gray, Gurnett, Hay, Heald, Hill, Howe, Long, McCallum, Meyers, Miller, Murphy, Northup, Patterson, Peek, Pelham, Rea, Russell, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Welch, Wickware, and Winchell—37.

**NOES**—Messrs. Ables, Aldrich, Bowers, Bradley, Burt, Canfield, Chandler, Cressler, Davis, Dixon, Franck, Freidenrich, Ferguson, Hammitt, Higbie, Hurlburt, Ingham, Klotz, Knox, McBride, Northcutt, Norton, Parker, Pishon, Rogers, Roush, Simpers, Terrill, Vandall, Venable, Williams, and Mr. Speaker—32.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Tuesday, March 17th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

By Mr. Thomas—from residents of Bay View School District, asking to be set off from the corporation of the Town of Santa Cruz.

Referred to the Committee on Corporations.

## LEAVE OF ABSENCE.

Leave of absence, for four days, was granted to Mr. Hamill.

## REPORTS.

Reports were made as follows:

By Mr. Burt:

Mr. SPEAKER: The Committee on Ways and Means, having considered Assembly Bill No. 614—An Act to amend section thirty three hundred and eighty-four of the Political Code of the State of California—report the same back, with the recommendation that it be indefinitely postponed.

FREEMAN, Chairman.

By Mr. Franck:

Mr. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 50—concerning the improvement of the harbor at Oakland—have considered the same, and a majority report the same back, and recommend its passage.

FRANCK, Chairman.

By Mr. Patterson:

Mr. SPEAKER: A minority of your committee to whom was referred Senate Joint Resolution No. 50—concerning the improvement of the harbor at Oakland—have had the same under consideration, and report it back, with a recommendation that it do not pass.

PATTERSON.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 507—An Act to amend sections of the Political Code in relation to collection of poll taxes—report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 607—An Act to compel the proper observance of the laws of the State of California by public officers—report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year—report it back, and recommend its passage.

Also, Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York, to invest moneys in real and personal estate within the limits of California—report it back, and recommend its passage.

Also, Assembly Bill No. 632—An Act to add a section to the Penal Code of California to punish persons for using unstamped weights and measures—report it back, and recommend its passage.

Also, Assembly Bill No. 112—An Act to amend section eight hundred and ninety-one of the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 95—An Act to protect bona fide settlers upon public lands—report it back, and recommend its passage.

Also, Senate Bill No. 158—An Act for the relief of John Hoagland and others—report it back, and a majority recommend its passage.

Also, Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code—report it back, and recommend its passage.

Also, Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code—report it back, and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 54—relative to Supreme Court of the State—report it back, and recommend that it be indefinitely postponed.

WILLIAMS, Chairman.

Assembly Concurrent Resolution No. 54, above reported, indefinitely postponed.

By Mr. Patterson:

MR. SPEAKER: The Committee on Public Morals have considered Assembly Bill No. 454—An Act to discourage drunkenness and diminish crime and pauperism—and report the same back with amendments, and recommend its passage as amended.

PATTERSON.

By Mr. Paulsell:

Report of the Assembly Committee on State Hospitals.

Ordered printed.

[For report, see Appendix.]

By Mr. Coggins:

MR. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 427—An Act authorizing the transcript of certain records in the County of Sacramento—and report the same back, with a recommendation that it pass with the accompanying amendment.

COGGINS, for Delegation.

Senate Bill No. 427, above reported, amendments recommended adopted, bill read a third time, and passed.

By Mr. Snyder:

MR. SPEAKER: A majority of the Committee on Roads and Highways, to whom was referred Assembly Bill No. 553—An Act in relation to stock roads—beg leave to report the same back without recommendation.

SNYDER,  
PARKER,  
CARTER.

By Mr. Clark:

MR. SPEAKER: The Committee of Conference to whom was referred Assembly Bill No. 221—An Act to amend an Act to provide for the payment of certain fees in the County of Butte—have had the same under consideration, and report it back, with the recommendation that the



Senate amendment be not adopted; also, that the words "within the township in which he resides," in section one, be stricken out.

J. C. GRAY,  
J. B. CLARK,  
GEO. C. WICKWARE,  
Assembly Committee.

GEO. C. PERKINS,  
J. J. DEHAVEN,  
W. C. HENDRICKS,  
Senate Committee.

The report was adopted by the House.

By Mr. Amerman:

MR. SPEAKER: The Special Committee on Game and Fish, to whom was referred Assembly Bill No. 525—An Act for the protection of game and fish—respectfully report it back with a substitute therefor, and recommend the passage of the substitute.

Your committee would further report, that they have examined Assembly Bill No. 433—An Act to amend an Act entitled an Act for the protection of game; Assembly Bill No. 613—An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State; and Assembly Bill No. 630—An Act to prevent the destruction of certain birds in San Joaquin County—and respectfully recommend that they do not pass, the main features of each of said bills being incorporated in Assembly Bill No. 525.

AMERMAN, Chairman.

Assembly Bill No. 525, above reported, taken up, amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### RESOLUTION.

Mr. Gilmore of Calaveras had leave to introduce the following resolution:

*Resolved*, That this House take a recess from eleven o'clock and thirty minutes A. M., to one o'clock and thirty minutes P. M., in honor of St. Patrick's Day, to enable members of the Assembly to attend the literary exercises at the Metropolitan Theater, in this city.

On the adoption of which, the ayes and noes were demanded by Messrs. Cowdery, Gray, and Patterson, and the House refused, by the following vote:

AYES—Messrs. Ables, Amerman, Bowers, Bradley, Byrnes, Carter, Coggins, Cressler, Dixon, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hay, Heald, Howe, Ingham, Long, McCallum, Miller, Northeutt, Northup, Norton, Peek, Pelham, Pishon, Rea, Simpers, Simpson, Stowers, Summers, Swift, Terrill, Tinnin, Venable, and Winchell—39.

NOES—Messrs. Aldrich, Barton, Bryan, Burt, Byers, Canfield, Chandler, Clark, Cowdery, Davis, Franck, Gray, Hammitt, Higbie, Kerche-

val, Klotz, Knox, Meyers, Morgan, Patterson, Rogers, Roush, Russell, Thomas, Vandall, Welch, Wickware, and Mr. Speaker—28.

#### REPORTS.

By Mr. Meyers:

MR. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector and the County Recorder ex officio Auditor—have considered and amended the same, and beg leave to report it back, and recommend its passage as amended.

MEYERS, for Delegation.

Assembly Bill No. 637, above reported, amendments recommended adopted, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 380—An Act to authorize certain persons to improve a portion of the Mokelumne River, and erect a boom thereon—beg leave to report the same back, with the recommendation that it be referred to the delegations from Calaveras, Amador, and San Joaquin Counties.

Also, Assembly Bill No. 358—An Act to authorize P. H. Kern, J. Whalen, Charles Hoerchner, their associates and assigns, to improve the channel of Mokelumne River, from the North Fork to Winters Bar, and erect booms thereon—beg leave to report the same back, with the recommendation that it be referred to the delegations from Calaveras, Amador, and San Joaquin Counties.

SWIFT, Chairman.

Assembly Bill No. 380 and Assembly Bill No. 358, above reported, referred to the delegations from Calaveras, Amador, and San Joaquin Counties.

By Mr. Gurnett:

MR. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 651—An Act ratifying and confirming an action of the Common Council of the City of Oakland for the relief of J. N. Bailey;

Also, Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County;

Report the same back, and recommend their passage.

GURNETT,  
AMERMAN.

By Mr. Cowdery:

MR. SPEAKER: The undersigned, a minority of the Judiciary Committee, to whom was referred Senate Bill No. 158—An Act for the relief of John Hoagland and others—beg leave to report that they do not

agree with the majority of the committee in their report, and dissenting therefrom, recommend that the said bill do not pass.

COWDERY,  
SWIFT,  
GRAY,  
FREIDENRICH,  
WELCH.

By Mr. McCallum:

MR. SPEAKER: The Mendocino delegation, to whom was referred Assembly Bill No. 649—An Act in relation to the removal of the remains of deceased persons in the Town of Ukiah, in said county—beg leave to report the same back, and recommend its passage.

McCALLUM, for Delegation.

[Speaker pro tem. in the chair.]

Assembly Bill No. 649, above reported, was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Paulsell:

MR. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 617—An Act to protect agriculture in the County of San Joaquin—beg leave to report that they have considered the same, and report it back, and recommend its passage.

PAULSELL, for Delegation.

Assembly Bill No. 617, above reported, was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Pelham:

MR. SPEAKER: The minority of the Committee on Roads and Highways have had under consideration Assembly Bill No. 553—An Act in relation to stock roads—and report it back, and recommend its passage.

A. J. PELHAM,  
JAMES BYRNES.

#### PETITION.

Mr. Barton had leave to introduce a petition from John C. Daly, relative to copying the Journals for the State Printer.

Referred to the Committee on Rules and Employés.

[Speaker in the chair.]

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 17th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly

Bill No. 269—An Act for the relief of Andrew Wasson, Sheriff of Monterey County.

Also, Assembly Bill No. 287—An Act supplementary to and amendatory of an Act entitled an Act concerning common schools in the City of Placerville, approved April first, eighteen hundred and sixty-four, to provide ways and means for building, furnishing, and repairing school houses in said city, and for other purposes.

Also, Assembly Bill No. 241—An Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma.

Also, Assembly Bill No. 452—An Act to regulate the fees of Tax Collector in and for Plumas County.

Also, Assembly Bill No. 261—An Act to amend section three thousand four hundred and eighty-two of the Political Code.

Also, Assembly Bill No. 266—An Act to amend section seven hundred and ninety-eight of the Political Code.

Also, Assembly Bill No. 481—An Act to amend an Act entitled an Act to amend an Act entitled an Act to reincorporate the City of Vallejo, approved March twenty-seventh, eighteen hundred and seventy-two, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 337—An Act to amend an Act entitled an Act to reincorporate the Town of Santa Rosa.

Also, Assembly Bill No. 69—An Act to regulate the assessment of migratory herds or bands of live stock, and to provide for an equitable distribution of the taxes derived therefrom.

Also, Assembly Bill No. 422—An Act to provide for the payment of the expenses of carrying on the county government of the County of Inyo.

Also, Assembly Bill No. 100—An Act to legalize, ratify, and confirm Ordinance Number Thirty-eight, entitled Charter Ordinance Number Thirty-eight, granting right of way to the Texas and Pacific Railway Company, and repealing Ordinance Thirty-five, passed and approved by the Board of Trustees of the City of San Diego, on the twentieth day of June, eighteen hundred and seventy-three.

Also, Assembly Bill No. 504—An Act to amend an Act entitled an Act to create the County of Ventura, to establish the boundaries thereof, and to provide for its organization.

Also, Assembly Bill No. 96—An Act to define the Senatorial and Assembly Districts of this State, and to apportion the representation thereof.

NEWTON BOOTH,  
Governor.

#### REPORT.

Mr. Meyers had leave to make the following report:

Mr. SPEAKER: The Committee on Rules and Employés, to whom were referred a multitude of resolutions relating to the copying of the Journal and Appendix, after giving them careful consideration, beg leave to report the resolution accompanying this report, and recommend that it be adopted.

MEYERS, for Committee.

*Resolved*, That the Chief Clerk is hereby authorized to prepare and execute all copying necessary for the printing of the Journal, and to make and compile a good index of the contents of said Journal, and to

complete and compile the Appendix, or Appendices, to the Journal, and furnish the State Printer with a copy thereof; for which service he shall receive a compensation of six cents per folio, and the Secretary of State shall estimate and certify the same, and on such certificate the Controller of State to draw his warrant, payable out of the Contingent Fund of the Assembly; *provided*, that before commencing work the said Chief Clerk file with the Secretary of State a good and sufficient bond, in the sum of five thousand dollars, to be approved by him, for the performance of the work in a neat and correct manner, and in a reasonable length of time.

Adopted.

On motion of Mr. Gray, the House took up, out of its order, Senate Bill No. 95—An Act to protect bona fide settlers on public lands.

Read a third time, and passed.

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock, P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### MESSAGE FROM THE SENATE.

SENATE CHAMBER,  
March 17th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the thirteenth day of March, eighteen hundred and seventy-four, passed Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of the Nevada School District, in the County of Nevada, the said district including Nevada City.

Also, passed Senate Bill No. 402—An Act to reincorporate the City of San Diego.

Also, passed Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol building.

Also, passed Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code.

Also, Senate Bill No. 381—An Act to amend sections thirty-nine hundred and seventy-seven and thirty-nine hundred and eighty-five of the Political Code.

Also, Senate Bill No. 428—An Act to regulate the fees of certain officers in the County of Mendocino.

Also, Senate Bill No. 424—An Act to repeal section thirty-seven hundred and four of the Political Code.

Also, on the sixteenth instant, passed Assembly Concurrent Resolution No. 52—to authorize the Governor to deliver to D. L. Perkins a certain silver medal and diploma.

Also, refused to pass Assembly Concurrent Resolution No. 42—relative to the Yosemite Valley and Big Tree Grove.

Also, passed Assembly Concurrent Resolution No. 39—to abolish tariff on quicksilver.

Also, passed Assembly Bill No. 272—An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirteen.

Also, passed Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belonging to said society in the City of Oakland, County of Alameda.

Also, passed Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

Also, passed Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean.

Also, passed Assembly Bill No. 406—An Act to define the boundary, provide for the care, strengthening, and repairing the levee, and for the payment of the indebtedness of Levee District Number One, of Sutter County.

Also, indefinitely postponed Assembly Bill No. 297—An Act to provide a County Treasurer for the County of Fresno for the term commencing the first Monday in March, eighteen hundred and seventy-four.

Also, Assembly Bill No. 238—An Act to regulate fees and salaries of officers, and defining their duties, in the County of San Diego, and other matters relating thereto.

Also, amended and passed Assembly Bill No. 545—An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

Also, adopted Assembly Concurrent Resolution No. 56, and corrected error in Assembly Bill No. 466.

Also, concurred in report of Committee of Conference on Senate Bill No. 224.

Also, concurred in Assembly amendments to Senate Bill No. 309, and Senate Concurrent Resolution No. 58.

Also, refused to recede from its amendment to Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, appointed Senator Evans, on the part of the Senate, as a Committee of Conference.

Also, on the fourteenth instant, passed Senate Bill No. 447—An Act supplemental to and amendatory of an Act entitled an Act to provide for the building of a school house in Merced School District, in Merced County, California, approved February eighteenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced.

Also, on this day, concurred in the report of the Committee of Conference on Assembly Bill No. 221—An Act to provide for the payment of certain fees in the County of Butte.

Also, on this day, amended and passed Assembly Bill No. 506—An Act concerning roads in the County of Butte.

Also, passed Senate Bill No. 433—An Act in relation to the assessment and collection of taxes upon personal property in the City and County of San Francisco—and ordered the same transmitted without engrossment.

Also, passed Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer.

Also, amended and passed Assembly Bill No. 370—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 420, above reported, Mr. Meyers appointed on Committee of Conference on disagreeing vote by the two Houses.

Assembly Bill No. 506, above reported, Senate amendments concurred in.

Assembly Bill No. 370, above reported, Senate amendments concurred in.

Senate Bill No. 402, above reported, read first and second times, and referred to the San Diego delegation.

Senate Bill No. 417, above reported, read first and second times, and referred to the Committee on Public Buildings and Grounds.

Senate Bill No. 333, above reported, read first and second times, and referred to the Special Committee on Political Code.

Senate Bill No. 381, above reported, read first and second times, and referred to the Special Committee on Political Code.

Senate Bill No. 428, above reported, read first and second times, and referred to the Mendocino delegation.

Senate Bill No. 424, above reported, read first and second times, and referred to the Special Committee on Political Code.

Senate Bill No. 433, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 447, above reported, read first and second times, and referred to the Merced delegation.

Senate Bill No. 440, above reported, read first and second times, and referred to the Merced delegation.

Senate Bill No. 445, above reported, read first and second times, and referred to the Nevada delegation.

Senate Bill No. 433, above reported, was, on motion of Mr. Cowdery, taken up, read a third time, and passed.

The special order, consideration of Assembly Concurrent Resolution No. 35, was deferred until after the regular order of business was disposed of.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Bradley—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knights Landing, in the County of Yolo, and to regulate fares and freights thereon.

Read first and second times, and referred to the Yuba delegation.

By Mr. Kercheval—An Act to legalize the assessment of a street tax in the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Klotz—An Act authorizing and requiring the State Treasurer to commence and prosecute civil actions, on behalf of the State of California, against certain Trustees of the State Normal School.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Hay—An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two.

Read first and second times, and, by unanimous consent, taken up, considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Tully—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Simpson—An Act to amend section two thousand seven hundred and twenty-five of the Political Code.

Read first and second times, and referred to the Special Committee on Political Code.

By Mr. Northcutt—An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin.

Read first and second times, and referred to the Sonoma and Marin delegations.

By Mr. Ables—An Act concerning the county records of the County of Marin.

Read first and second times, and ordered on File.

By Mr. Franck—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Santa Clara, approved March sixth, eighteen hundred and seventy-two.

Read first and second times, by unanimous consent taken up, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Russell—An Act concerning streets, alleys, lots, and blocks, or portions thereof, within certain limits in the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

#### REPORTS.

Mr. Cowdery had leave to make the following report:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twentieth-sixth, eighteen hundred and sixty-six—have had the same under consideration, and report the same back, with the recommendation that it pass.

Also, Assembly Bill No. 489—An Act to regulate freightage and fares on railroads, etc.—report the same back, pursuant to instructions of the House, without recommendation.

SWIFT, Chairman.

Assembly Bill No. 621, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have



examined and find correctly engrossed Assembly Bill No. 516—An Act to amend the charter of the City of Healdsburg.

Also, Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Also, Assembly Bill No. 473—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act for the preservation of seals, or sea lions, at and near the entrance of the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

BRADLEY, Chairman.

By Mr. Welch:

MR. SPEAKER: The Committee on Public Buildings and Grounds, to whom was referred Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol—beg leave to report that they have had the same under consideration, and report it back, and recommend its passage.

WELCH, Chairman.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 466—An Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Also, Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations, to provide the members thereof with homesteads, or lots of land suitable for homesteads, approved April twentieth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington.

Also, Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county;

Also, Assembly Bill No. 515—An Act for the relief of William T. Williams, late District Attorney of Santa Barbara County;

Also, Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims;

Also, Assembly Bill No. 485—An Act concerning road poll tax for Tehama County;

Also, Assembly Bill No. 612—An Act to amend an Act entitled an Act to reorganize the Supervisor District of the County of Monterey;

Also, Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin;

Also, Assembly Bill No. 486—An Act to restrict sheep from being herded or roaming at large in certain portions of Lake County;

Also, Assembly Bill No. 421—An Act supplementary to an Act entitled an Act to create the County of San Benito;

Also, Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof;

And that the same were, this seventeenth day of March, eighteen hundred and seventy-four, at twelve o'clock M., transmitted to the Governor, for his approval.

HAY, Chairman.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 272—An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirteen;

And that the same was, this seventeenth day of March, eighteen hundred and seventy-four, at one o'clock and fifteen minutes P. M., transmitted to the Governor, for his approval.

HAY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Committee of Free Conference on the disagreeing vote of the two Houses in reference to certain amendments to Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—having duly considered the subject of such disagreement, hereby recommend that the Senate recede from its amendments to sections eighty-five, ninety-nine, one hundred and seventy-four, one hundred and seventy-five, and one hundred and seventy-six, and that the Assembly concur in Senate amendment to section one hundred and twenty-four.

PENDEGAST,  
LAINE,  
GRAVES,

On the part of the Senate.

WILLIAMS,  
COWDERY,  
MURPHY,

On the part of the Assembly.

Adopted.

On motion of Mr. Williams, his resolution, offered yesterday, relative to adding Mr. Heald to the Committee on Counties and County Boundaries, was taken up, and adopted.

#### SPECIAL ORDER.

The special order, consideration of Assembly Concurrent Resolution No. 35—relative to title in fee of the Government to public lands—was, on motion of Mr. Tully, laid on the table.

#### GENERAL FILE.

Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

On motion of Mr. Higbie, taken up out of its order.

Mr. Paulsell offered the following amendment:

Amend section ten by striking out the word "thirty" in line three of the bill and inserting the word "fifteen."

On the adoption of which, the ayes and noes were demanded by Messrs. Coggins, Higbie, and Chandler, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Burt, Carter, Chandler, Coggins, Davis, Escandon, Franck, Giffen, Gilmore of El Dorado, Gurnett, Hay, Howe, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Morgan, Northup, Norton, Patterson, Paulsell, Pelham, Pishon, Rogers, Roush, Tinnin, Thomas, Tully, Welch, Wickware, and Winchell—38.

**NOES**—Messrs. Ables, Canfield, Clark, Cowdery, Cressler, Gilmore of Calaveras, Gray, Hammitt, Heald, Higbie, Ingham, Peek, Simpson, Snyder, Venable, and Williams—15.

The bill was further amended, the rules suspended, the bill considered engrossed, read a third time, and passed.

Mr. Freidenrich gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

[Speaker pro tem. in the chair.]

Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

Made the special order for to-morrow, at one o'clock P. M.

Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

Ordered to the head of the File for to-morrow.

Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code.

Ordered second on the File for to-morrow.

Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators.

Read a third time, and passed.

Assembly Bill No. 424—An Act to amend sections six hundred and sixty and six hundred and sixty one of the Political Code.

Read a third time, and passed.

Assembly Bill No. 462—An Act to amend the Penal Code.

On the passage of the bill, the ayes and noes were demanded by Messrs. Bowers, Amerman, and Williams, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Bradley, Bryan, Burt, Chandler, Coggins, Cressler, Davis, Franck, Freidenrich, Ferguson, Gray, Heald, Hurlburt, Ingham, Kercheval, Knox, McBride, Meyers, Miller, Norton, Patterson, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpser, Simpson, Stowers, Swift, Terrill, Tinnin, Vandall, Welch, Wickware, Williams, and Mr. Speaker—39.

**NOES**—Messrs. Amerman, Bowers, Canfield, Carter, Cowdery, Dixon, Escandon, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Howe, Klotz, Long, McCallum, Morgan, Northcutt, Northup, Parker, Peek, Pishon, Snyder, Summers, Venable, and Winchell—25.

Mr. Ferguson gave notice that he would, on to-morrow, move to re-

consider the vote by which the House, to-day, passed Assembly Bill No. 462.

#### REPORT.

Mr. Bradley had leave to make the following report:

Mr. SPEAKER: The Yuba and Sutter delegations, to whom was referred Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knights Landing, in the County of Yolo, and to regulate fares and freights thereon—having had the same under consideration, would hereby report it back, and recommend its passage.

BRADLEY, for Delegation.

#### RESOLUTION.

By Mr. Parker:

WHEREAS, A resolution has been adopted authorizing the copying of the Journals, Appendices, etc., for the printer, at the unprecedented low rate of six cents per folio; and, whereas, such action was had at the solicitation of the parties to whom the contract has been awarded; therefore, be it

*Resolved*, That it is the sense of this House that said parties should not be pecuniarily relieved from losses thereunder at the next session of the Legislature.

Adopted.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Gray, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 205—An Act to amend the Political Code.

The bill was temporarily postponed, and, on motion, the House took up the

#### GENERAL FILE.

Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Read a third time, and passed.

Assembly Bill No. 567—An Act to declare Moro Cojo Slough, in Monterey County, navigable.

Read a third time, and passed.

Assembly Bill No. 529—An Act to complete the geological survey of the State of California.

The House went into Committee of the Whole, for the consideration of the bill.

[Mr. Barton in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Terrill, the committee arose, reported the bill back, and recommended that the enacting clause be stricken out.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 529, above reported from the Committee of the Whole, on the motion to strike out the enacting clause the ayes and noes were demanded by Messrs. McCallum, Rogers, and Wickware, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Davis, Dixon, Franck, Giffen, Gilmore of El Dorado, Gurnett, Hammitt, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Vandall, Venable, Williams, Winchell, and Mr. Speaker—50.

**NOES**—Messrs. Amerman, Cowdery, Cressler, Freidenrich, Ferguson, Gray, Higbie, McCallum, Meyers, Miller, Peek, Rogers, Roush, Welch, and Wickware—15.

#### SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 205—An Act to amend the Political Code.

On an amendment to section seventy-six, recommended by Special Committee on the Political Code, by adding after the word "general," in line six, the following: "and five dollars from each member of the Legislature, to be reserved from the pay of each member of the present and all subsequent Legislatures, the amount thereof to be certified by the Controller to the Treasurer, who shall transfer the same to the State Library Fund," the ayes and noes were demanded by Messrs. Norton, Northup, and Freidenrich.

Pending further action, the bill was ordered third on the File for tomorrow.

At ten o'clock and ten minutes P. M., on motion of Mr. Simpson, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
 Wednesday, March 18th, 1874. }

House met pursuant to adjournment.  
 Speaker in the chair.  
 Roll called, and a quorum present.  
 Prayer by the Chaplain.  
 Journal of yesterday read and approved.

## RECONSIDERATION.

Pursuant to notice, Mr. Cowdery moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill No. 621.

On motion of Mr. Freidenrich, the motion to reconsider was indefinitely postponed.

On motion of Mr. Thomas, Assembly Bill No. 655 was taken from the File, and referred to the Santa Cruz delegation.

## LEAVE OF ABSENCE.

Leave of absence for two days was granted to Mr. Aldrich, and indefinite leave to the Committee on Military Affairs.

## REPORTS.

Reports were made as follows:

By Mr. Amerman:

MR. SPEAKER: The Special Committee on Game and Fish, to whom was referred Assembly Bill No. 611—An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State—respectfully report back a substitute therefor, and recommend the passage of the substitute.

AMERMAN, Chairman.

By Mr. Escandon:

MR. SPEAKER: The San Luis Obispo delegation, to whom was referred Senate Bill No. 375—An Act for the relief of David C. Norcross, Sheriff of San Luis Obispo County—report it back, and recommend its passage.

Also, the Santa Barbara delegation, to whom was referred Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes—report it back, and recommend its passage.

ESCANDON, for Delegations.

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 396—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers—have had the

same under consideration, and report the same back, with the recommendation that it pass.

Also, Assembly Bill No. 429—An Act to regulate freight on railroads in the State of California, when shipped by the car load—and report it back, with the recommendation that it pass.

SWIFT, Chairman.

Assembly Bill No. 396 and Assembly Bill No. 429, above reported, ordered to head of File for Friday.

By Mr. Tinnin:

MR. SPEAKER: The Trinity delegation, to whom was referred Senate Bill No. 442—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls on certain wagon roads—respectfully report the bill back and recommend its passage.

TINNIN, for Delegation.

By Mr. Howe:

MR. SPEAKER: The Committee on Yosemite and Big Tree Parks, to whom was referred Senate Bill No. 409—An Act supplemental to an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant—have considered the same, and herewith report the bill back to the House, and recommend its passage.

HOWE, for Committee.

By Mr. Davis:

MR. SPEAKER: The Stanislaus and Merced delegations, to whom was referred Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, for Delegation.

Also, by the same:

MR. SPEAKER: The Stanislaus and Merced delegations, to whom was referred Senate Bill No. 447—An Act supplementary to and amendatory of an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four—beg leave to report that they have had the same under consideration, and report the same back, and recommend its passage.

DAVIS, for Delegation.

By Mr. Tully:

MR. SPEAKER: The Monterey delegation, to whom was referred Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Salinas City to build a school house and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same—have considered the same, and report it back, with the recommendation that it pass.

TULLY, for Delegation.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County—and report it back, and recommend its passage.

Also, Assembly Bill No. 417—An Act to create the Twenty-first Judicial District—and report it back, and a majority recommend its passage.

WILLIAMS, Chairman.

By Mr. Cowdery:

MR. SPEAKER: The minority of the Judiciary Committee respectfully report that they recommend that Assembly Bill No. 417—An Act to create the Twenty-first Judicial District—be indefinitely postponed.

COWDERY, for the Minority.

#### PETITION.

By Mr. Canfield—from citizens of Kern County, protesting against the extension of the trespass law.

Referred to the Committee on Agriculture.

#### REPORTS.

By Mr. Northcutt:

MR. SPEAKER: The delegation from Sonoma and Marin, to whom was referred Assembly Bill No. 665—An Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin—report the same back, and recommend its passage.

NORTHCUTT.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise.

Also, Assembly Bill No. 332—An Act to create a permanent Commission on law codification.

Also, Assembly Bill No. 525—An Act for the protection of game and fish.

BRADLEY, Chairman.

By Mr. Williams:

MR. SPEAKER: The undersigned, members of the El Dorado delegation, have considered Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property, in the County of El Dorado—and make the following report thereon:

The proposed substitute, which is reported with the bill, is a trespass Act entirely different from any law that has ever been in force in El Dorado County, and must have a great effect upon the future prosperity of that county. That there is a great difference of opinion among the people of that county, as to the probable effect of this bill, should it become a law, is abundantly shown by the numerous petitions for and against the measure. The undersigned, in view of this difference of



opinion among the people of the county, propose an amendment by which the Act will not be put in force except upon a petition of a majority of the people of a township.

WILLIAMS,  
SIMPERS.

By Mr. Gilmore:

Mr. SPEAKER: The undersigned have considered Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado—report it back, with a substitute, and recommend the passage of the substitute, without any amendment.

GILMORE,  
INGHAM.

Substitute for Assembly Bill No. 66, above reported, made the special order for this evening, at half-past seven o'clock.

#### RESOLUTION.

*Resolved*, That this House do take up and consider bills on General File, after disposing of local bills, at all night sessions appointed for the consideration of local bills.

Adopted.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 17th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 469—An Act to extend the time for selling property for the delinquent taxes of eighteen hundred and seventy-three and four in the County of Alpine—and ordered the same transmitted without engrossment.

Also, passed Senate Bill No. 425—An Act to release the claim of the State of California to certain lands.

Also, passed Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Also, passed Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Also, passed Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, amended and passed Assembly Bill No. 236—An Act to quiet titles to certain land in Yolo County.

Also, indefinitely postponed Assembly Bill No. 334—An Act to amend the Civil Code, relating to liens.

Also, indefinitely postponed Assembly Bill No. 251—An Act to amend section seventeen hundred and eighty-eight of the Code of Civil Procedure.

Also, indefinitely postponed Assembly Bill No. 274—An Act to amend section five hundred and ninety-five of the Code of Civil Procedure.

Also, indefinitely postponed Assembly Bill No. 264—An Act to amend section twenty-nine hundred and fifty five of the Civil Code.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER, }  
March 18th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 635—An Act to amend section fifty-eight of the Code of Civil Procedure.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 236, above reported, Senate amendments concurred in.

Assembly Bill No. 193, above reported, re-referred to the Yolo delegation.

Assembly Bill No. 503, above reported, House refused to concur in Senate amendments.

Senate Bill No. 469, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 425, above reported, read first and second times, and referred to the Committee on Public Lands.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Barton—An Act to quiet land titles, prevent frauds in tax sales, and the assertion of fraudulent titles to real estate in Sacramento County.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Hurlburt—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

Read first and second times, and ordered on File.

By Mr. Tully—An Act to authorize the Board of Supervisors of Monterey County to build a Court House and jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Read first and second times, and ordered on File.

By Mr. Long—An Act fixing the compensation of the Assessor of the County of Mono.

Read first and second times, and referred to the Mono delegation.

By Mr. Franck—An Act to amend an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved April thirteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Santa Clara delegation.

#### RESOLUTION.

By Mr. Williams:

*Resolved*, That the Engrossing Clerk be instructed to insert the enacting clause in Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

Adopted.

#### RECONSIDERATION.

Pursuant to notice, Mr. Ferguson moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill No. 462—An Act to amend the Penal Code—on which motion the ayes and noes were demanded by Messrs. Snyder, Freeman, and Howe, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byers, Byrnes, Canfield, Carter, Cowdery, Dixon, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Higbie, Hill, Howe, Klotz, Long, McCallum, Northcutt, Northup, Parker, Peek, Pelham, Snyder, Stowers, Summers, Thomas, Tully, and Venable—31.

**NOES**—Messrs. Ables, Bradley, Bryan, Burt, Chandler, Clark, Cressler, Davis, Fahey, Franck, Freeman, Freidenrich, Gray, Heald, Hurlburt, Ingham, Kercheval, McBride, Meyers, Miller, Murphy, Patterson, Paulsell, Rea, Rogers, Roush, Russell, Simpers, Simpson, Swift, Vandall, Welch, Wickware, Williams, and Mr. Speaker—35.

#### GENERAL FILE.

Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

On a motion to recommit the bill to the Committee on Land Monopoly, with instructions to amend, by adding to section one of the bill, the following, "*provided*, that nothing herein contained shall be deemed to apply to or impair applications made in good faith under former laws," the ayes and noes were demanded by Messrs. Klotz, Swift, and Canfield, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Amerman, Byers, Byrnes, Canfield, Carter, Cowdery, Davis, Dixon, Freeman, Freidenrich, Giffen, Gilmore of El Dorado, Gurnett, Hill, Howe, Ingham, Klotz, McCallum, Norton, Patterson, Paulsell, Rogers, Roush, Russell, Snyder, Swift, Tinnin, Tully, Welch, and Wickware—31.

**NOES**—Messrs. Barton, Bowers, Bradley, Bryan, Burt, Chandler, Clark, Cressler, Escandon, Fahey, Franck, Ferguson, Gilmore of Calaveras, Gray, Hammitt, Higbie, Hurlburt, Kercheval, Long, McBride, Meyers, Miller, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Rea, Simpers, Simpson, Stowers, Summers, Thomas, Vandall, Venable, Williams, and Mr. Speaker—38.

At twelve o'clock M., the House took a recess until one o'clock P. M.

REASSEMBLED.

House reassembled at one o'clock P. M.  
Speaker in the chair.  
Roll called, and a quorum present.

REPORT.

Mr. Bradley had leave to make the following report:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 617—An Act to protect agriculture in the County of San Joaquin.

Also, Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the County Recorder ex officio Auditor.

BRADLEY, Chairman.

On motion of Mr. Klotz, the special order, Assembly Bill No. 246, was postponed until Assembly Bill No. 199 and Senate Bill No. 314 shall have been disposed of.

At one o'clock and five minutes P. M., Mr. Cowdery moved to adjourn. Lost.

GENERAL FILE RESUMED.

House resumed consideration of Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

Amended, read a third time, and passed.

Senate Bill No. 314—An Act to amend certain sections and repeal certain sections of the Political Code.

Mr. Klotz moved to amend section one by striking out "six hundred and forty," and substituting "three hundred and twenty," on which the ayes and noes were demanded by Messrs. Klotz, McBride, and Heald, and the House refused, by the following vote:

AYES—Messrs. Canfield, Gilmore of Calaveras, Heald, Ingham, Klotz, McBride, Miller, Murphy, Peek, Roush, Simpers, Simpson, Stowers, Tinnin, and Williams—15.

NOES—Messrs. Ables, Amerman, Barton, Bradley, Bryan, Burt, Carter, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Higbie, Hill, Howe, Hurlburt, Kerecheval, Knox, Long, Morgan, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Pelham, Rea, Rogers, Russell, Summers, Swift, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—51.

The bill was read a third time, and passed.

REPORT.

Mr. Swift had leave to make the following report:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 595—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks—return the same with a substitute, and recommend that the substitute pass.

SWIFT, Chairman.

Assembly Bill No. 595, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

#### INTRODUCTION OF BILLS.

Mr. Welch had leave to introduce the following:

An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times, and ordered on File.

By Mr. Russell—An Act for the relief of the Sacramento Protestant Orphan Association.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Escandon—An Act to enforce payment of delinquent taxes due in the District of Santa Barbara County, now constituting Ventura County.

Read first and second times, and referred to the Ventura delegation.

#### SPECIAL ORDERS.

Assembly Bill No. 246—An Act to regulate and govern the California State Prison.

On a motion to recommit the bill to the Chief Clerk, with instructions to insert certain amendments proposed by Mr. Terrill, the ayes and noes were demanded by Messrs. Norton, Patterson, and Freidenrich, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bradley, Burt, Carter, Chandler, Cowdery, Cressler, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Higbie, Howe, Ingham, Kercheval, Klotz, Knox, McBride, Miller, Murphy, Northup, Norton, Patterson, Peek, Pelham, Rea, Roush, Simpson, Stowers, Swift, Terrill, Thomas, Venable, Welch, Wickware, Winchell, and Mr. Speaker—41.

NOES—Messrs. Bryan, Byers, Canfield, Clark, Davis, Dixon, Escandon, Fahy, Ferguson, Gilmore of El Dorado, Hill, Long, Meyers, Morgan, Northcutt, Parker, Paulsell, Rogers, Russell, Simpers, Summers, Tinnin, Tully, and Williams—24.

The bill, as amended, was read a third time, and passed.

The Speaker announced the second special order to be consideration of Assembly Bill No. 490—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Klotz, Canfield, and Norton, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Byers, Canfield, Cressler, Davis, Gilmore of Calaveras, Hill, Hurlburt, Ingham, Klotz, McBride, Murphy, Northup, Peek, Pelham, Roush, Russell, Simpser, Tinnin, Tully, and Vandall—21.

**NOES**—Messrs. Amerman, Bradley, Bryan, Burt, Carter, Chandler, Clark, Dixon, Escandon, Franck, Freidenrich, Ferguson, Gray, Gurnett, Hammitt, Higbie, Howe, Knox, Long, Meyers, Miller, Morgan, Northcutt, Norton, Parker, Patterson, Paulsell, Rea, Rogers, Simpson, Summers, Venable, Wickware, Williams, Winchell, and Mr. Speaker—36.

#### GENERAL FILE RESUMED.

**Assembly Bill No. 205**—An Act to amend the Political Code.

On the amendment to section seventy-six, offered last evening by Mr. Norton, to assess members of the Legislature five dollars each for the benefit of the Library Fund, the ayes and noes were demanded by Messrs. Norton, Northup, and Freidenrich, and the House refused, by the following vote:

**AYES**—Messrs. Canfield, Coggins, Cowdery, Cressler, Franck, Freeman, Gilmore of Calaveras, Gray, Heald, Howe, Hurlburt, Ingham, Knox, Morgan, Northup, Norton, Pelham, Roush, Russell, Simpser, Welch, Wickware, Williams, and Winchell—24.

**NOES**—Messrs. Ables, Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Davis, Dixon, Escandon, Freidenrich, Gilmore of El Dorado, Gurnett, Hammitt, Higbie, Hill, Kercheval, Klotz, Long, McBride, Meyers, Miller, Murphy, Northcutt, Parker, Patterson, Paulsell, Peek, Rea, Rogers, Simpson, Stowers, Summers, Swift, Terrill, Tinnin, Tully, Vandall, Venable, and Mr. Speaker—42.

Mr. Kercheval moved to amend section ninety-seven as follows: Strike out all after the word "registered," in the fourth line of the printed bill; on the adoption of which, the ayes and noes were demanded by Messrs. Kercheval, Coggins, and Freeman, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Barton, Bryan, Chandler, Clark, Coggins, Freeman, Gray, Hammitt, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, McBride, Paulsell, Peek, Rea, Rogers, Russell, Tinnin, Welch, Winchell, and Mr. Speaker—25.

**NOES**—Messrs. Amerman, Bowers, Burt, Carter, Cowdery, Cressler, Davis, Dixon, Freidenrich, Gilmore of Calaveras, Gilmore of El Dorado, Heald, Higbie, Long, Northcutt, Northup, Norton, Parker, Patterson, Pelham, Roush, Simpser, Simpson, Stowers, Summers, Terrill, Tully, Venable, and Williams—29.

Mr. Kercheval moved to amend section ninety-seven as follows: "*provided*, that it shall not apply to warrants heretofore issued," on the adoption of which the ayes and noes were demanded by Messrs. Coggins, Kercheval, and Cressler, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Bowers, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Dixon, Franck, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Howe, Hurlburt, Ingham, Kercheval, Klötz, Knox, Long, McBride, McCallum, Parker, Paulsell, Peek, Pelham, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Summers, Swift, Tinnin, Tully, Vandall, Venable, Welch, Williams, Winchell, and Mr. Speaker—47.

**NOES**—Messrs. Barton, Cowdery, Freidenrich, Hammitt, Heald, Higbie, Northup, Norton, Patterson, and Terrill—10.

Mr. Williams gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, refused to adopt the substitute for section ninety six, offered by Mr. Kercheval, and which reads as follows: "The by-laws and the election of Trustees must be ratified by a majority of the bona fide land owners of the district, and be recorded by the County Recorder in the same book with the petition."

Mr. Clark moved to strike out section one hundred and ten of the bill, on which the ayes and noes were demanded by Messrs. Peek, Clark, and Barton, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Bowers, Byrnes, Clark, Freidenrich, Ferguson, Gilmore of Calaveras, Hurlburt, Klotz, McBride, McCallum, Miller, Murphy, Paulsell, Simpson, Stowers, Swift, and Tinnin—18.

**NOES**—Messrs. Amerman, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Freeman, Gray, Hammitt, Heald, Higbie, Hill, Howe, Ingham, Kercheval, Knox, Long, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Rea, Rogers, Roush, Russell, Simpers, Summers, Terrill, Tully, Vandall, Venable, Welch, and Williams—43.

[Speaker pro tem., Mr. Howe, in the chair.]

Mr. Peek gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, refused to strike out section one hundred and ten of the bill.

[Speaker in the chair.]

The bill was amended, rules suspended, considered engrossed, and put on its passage.

Mr. Murphy, at four o'clock and sixteen minutes P. M., moved to adjourn.

Lost.

The Clerk, on demand of Mr. Terrill, proceeded with the reading of the bill.

The bill was made the special order for one o'clock P. M. to-morrow.

#### INTRODUCTION OF BILLS.

Mr. Gurnett had leave to introduce the following bill:

An Act to increase the revenue of the City of Oakland from wharfage.

Read first and second times, and ordered on File.

By Mr. Cowdery—An Act for the relief of R. G. Strong.

Read first and second times, and, on motion of Mr. Cowdery, referred to the Committee of the Whole House.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Coggins in the chair.]

The bill was considered in Committee of the Whole.

On motion of Mr. Paulsell, the committee arose, reported the bill back, and recommended that it be referred to the Committee on Claims, with instructions to report it back at one o'clock on Friday next.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 678, above reported from Committee of the Whole, was referred to the Committee on Claims, as recommended.

#### RESOLUTION.

Mr. Cowdery had leave to introduce the following resolution:

*Resolved*, That the Enrolling Clerk of the Assembly may separate the pages of Assembly Bill No. 102—An Act to amend the Code of Civil Procedure—so as to facilitate the enrollment of the same.

Adopted.

#### INTRODUCTION OF BILLS.

Mr. Williams had leave to introduce the following:

An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Venable—An Act making Senate Bill No. 127—To promote irrigation in Los Angeles County—supplemental to Assembly Bill No. 172—To provide a system of irrigation—so far as relates to the County of Los Angeles.

Read first and second times, and referred to Committee on Irrigation.

Mr. Kercheval had leave to withdraw Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Chandler, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### GENERAL FILE.

Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

Rules suspended, the bill considered engrossed, read a third time, and passed.

Senate Bill No. 370—An Act to authorize the Board of Supervisors of Los Angeles County to purchase a farm in the City of Los Angeles,



to build and establish a County Almshouse and Hospital thereon, and to issue bonds for the payment thereof.

Read a third time, and passed.

Senate Bill No. 377—An Act to enforce the collection of poll taxes in the County of Calaveras.

Read a third time, and passed.

Assembly Bill No. 605—An Act to provide additional Notaries Public in the County of Inyo.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Amended, read a third time, and passed.

Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Amended, rules suspended, bill considered engrossed, and on its passage, the ayes and noes were demanded by Messrs. McCallum, Coggins, and Heald, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Barton, Bowers, Bradley, Bryan, Byers, Canfield, Carter, Chandler, Davis, Freeman, Ferguson, Gilmore of Calaveras, Higbie, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, Murphy, Northcutt, Northup, Norton, Parker, Paulsell, Pelham, Rogers, Simpson, Summers, Swift, Terrill, Tunin, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—40.

NOES—Messrs. Burt, Clark, Coggins, Cressler, Heald, McCallum, Meyers, Patterson, Simpers, and Vandall—10.

Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Reported from the Senate this morning, Senate amendments concurred in.

Senate Bill No. 50—An Act regulating public highways in the County of Colusa.

Read a third time, and passed.

Assembly Bill No. 573—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of Substitute for Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

On the adoption of the amendment, proposed by Messrs. Williams and Simpers, to section eleven, the ayes and noes were demanded by Messrs. Bowers, Klotz, and Williams, and the House refused, by the following vote:

AYES—Messrs. Ables, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Coggins, Davis, Freidenrich, Heald, Higbie, Klotz, Knox, Mc-

Callum, Miller, Norton, Parker, Patterson, Paulsell, Peek, Rogers, Sippers, Welch, Winchell, and Mr. Speaker—26.

NOES—Messrs. Barton, Bowers, Byers, Byrnes, Clark, Cowdery, Cressler, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Ham-mitt, Howe, Hurlburt, Ingham, Kercheval, Long, Murphy, Northcutt, Pelham, Rea, Simpson, Summers, Terrill, Tinnin, Vandall, Venable, Wickware, and Williams—28.

Mr. Williams gave notice that he would, on to-morrow, move to re-consider the vote by which the House, to day, refused to adopt the amendment.

The bill was amended, and ordered engrossed.

#### RESOLUTION.

Mr. Long had leave to introduce the following resolution:

*Resolved*, That the Speaker be and is hereby requested to enforce the ten-minute rule in regard to speeches.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 619—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty, approved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-two.

Rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Pelham gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to day, concurred in Senate amendments to Assembly Bill No. 193.

Assembly Bill No. 620—An Act in relation to suits against the County of Marin for damages on account of laying out public streets.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 623—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 17—An Act to provide for the Police Fund in and for the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 421—An Act to dispense with copies of the Great Register in certain elections in Napa County.

Read a third time, and passed.

Senate Bill No. 348—An Act to amend an Act entitled an Act to incorporate the Town of Colusa.

Read a third time, and passed.

Senate Bill No. 430—An Act amendatory of and supplementary to an Act entitled an Act to provide for the establishment and maintenance of

public roads in the County of Napa, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time, and passed.

Senate Bill No. 431—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Tulare.

Read a third time, and passed.

Mr. Kercheval gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed Senate Bill No. 431.

Senate Bill No. 335—An Act to fix the compensation of the School Superintendent of the County of Stanislaus.

Read a third time, and passed.

Senate Bill No. 312—An Act to repeal an Act creating the offices of Public Administrator and Coroner of Stanislaus County, and provide for the performance of the duties of the same by the Superintendent of Common Schools.

Read a third time, and passed.

Senate Bill No. 74—An Act to define the boundary line between the Counties of Tulare and Fresno.

Read a third time, and passed.

Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 627—An Act to make the bridge across the Stone Road Crossing in Sutter County a free bridge, and for said county to own and control the same.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 365—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels, gophers, and other wild animals in the County of Monterey.

Read a third time, and passed.

Assembly Bill No. 630—An Act to prevent the destruction of certain birds in San Joaquin County.

Engrossment refused.

Assembly Bill No. 651—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of J. N. Bailey.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 666—An Act concerning the county records of the County of Marin.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knight's Landing, in the County of Yolo, and to regulate fares and freights thereon.

Mr. Coggins moved to amend by adding:

"Section 12. The Legislature shall at all times hereafter have power to reduce and regulate the rates of fare and freight on the road constructed under the provisions of this Act."

On the adoption of which, the ayes and noes were demanded by Messrs. Coggins, Murphy, and Meyers, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Bryan, Byers, Coggins, Davis, Kercheval, McCallum, Miller, Murphy, Patterson, Paulsell, Simpser, Stowers, Summers, Swift, Vandall, and Wickware—17.

**NOES**—Messrs. Ables, Bowers, Bradley, Carter, Chandler, Clark, Cowdery, Cressler, Escandon, Freidenrich, Ferguson, Gilmore of Calaveras, Gurnett, Hammitt, Heald, Higbie, Howe, Hurlburt, Ingham, Klotz, Knox, Long, Northcutt, Northup, Norton, Peek, Pelham, Rea, Rogers, Terrill, Tinnin, Venable, Winchell, and Mr. Speaker—34.

The rules were suspended, the bill considered engrossed, read a third time, and passed.

Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners.

Rules suspended, bill considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILL.

Mr. Tinnin had leave to introduce the following bill: An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

Mr. McCallum had leave to make the following report:

Mr. SPEAKER: The Mendocino delegation, to whom was referred Senate Bill No. 428—An Act relative to the fees of officers in Mendocino County, respectfully report the same back, and recommend its passage.

McCALLUM, for Delegation.

Senate Bill No. 428, above reported, taken up out of its order, read a third time, and passed.

#### INTRODUCTION OF BILL.

Mr. Heald had leave to introduce the following bill: An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

Read first and second times, and ordered on File.

#### GENERAL FILE RESUMED.

Assembly Bill No. 665—An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Solano and Marin.

Taken up out of its order, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 527—An Act to increase the compensation of the Assistant Sergeants-at-Arms of the Senate and Assembly.

Passed on the File.

Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Taken up out of its order, rules suspended, read a third time, and passed.

At nine o'clock and fifteen minutes P. M., Mr. Barton moved to adjourn.  
Lost.

Senate Bill No. 204—An Act for the protection of preemption and homestead claimants.

Read a third time, and passed.

Senate Bill No. 218—An Act to repeal an Act entitled an Act to enable the inhabitants of territory adjacent to any city in this State to annex the same thereto, approved February first, eighteen hundred and seventy-two.

Read a third time, and passed.

#### RESOLUTION.

Mr. Miller had leave to introduce the following:

*Resolved*, That this House do meet each day at seven o'clock P. M., for business, until the File be cleared.

Laid over for one day, under the rules.

#### GENERAL FILE RESUMED.

Assembly Bill No. 430—An Act to amend section thirty-six hundred and seventeen of the Political Code.

Substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 157—An Act to repeal an Act entitled an Act concerning service of summons upon absent defendants by publication, approved March fifteenth, eighteen hundred and seventy-two.

Read a third time, and passed.

On motion of Mr. Northup, Assembly Bill No. 414—An Act regulating the measurement of water when sold for mining purposes—was ordered to the head of the File for to-morrow.

#### RESOLUTION.

Mr. Williams had leave to introduce the following concurrent resolution:

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk of the Assembly be authorized to resectionize Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Adopted.

#### GENERAL FILE RESUMED.

At nine o'clock and twenty-seven minutes P. M., Mr. Miller moved to adjourn.

Lost.

Senate Bill No. 225—An Act to amend the Code of Civil Procedure of the State of California.

Read a third time, and passed.

Senate Bill No. 345—An Act to amend section twelve hundred and thirty of the Penal Code.

Passage refused.

Senate Bill No. 259—An Act to add another section to the Penal Code.

Read a third time, and passed.

Mr. Bowers gave notice that he would, to-morrow, move to reconsider the vote by which the House, to-day, refused to pass Senate Bill No. 345.

At nine o'clock and thirty-seven minutes P. M., Mr. Williams moved to adjourn.

Lost.

Senate Bill No. 353—An Act to amend section four thousand and one of the Political Code.

Read a third time, and passed.

Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court.

Ordered to the foot of the File.

At nine o'clock and forty-five minutes P. M., on motion of Mr. Welch, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, March 19th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were submitted as follows:

By Mr. Burt:

Mr. SPEAKER: The Committee on Mines and Mining Interests have had under consideration Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State—have amended the same, and report it back, recommending its passage.

BURT, Chairman.

By Mr. Welch:

MR. SPEAKER: Your Committee on Public Buildings and Grounds, to whom was referred Assembly Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society—beg leave to report the same back, and recommend its passage.

WELCH, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 656—An Act to confer additional powers on municipal authorities in incorporated cities and towns in this State—have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

PATTERSON.

By Mr. Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land Funds of District Number Eighteen—beg leave to report that they have considered the same, and report it back, with the recommendation that it pass.

Also, Senate Bill No. 315—An Act to quiet the title to certain salt marsh and tide lands in the County of Contra Costa—report the same back, and recommend that it pass.

Also, Senate Bill No. 178—An Act to provide for the proper distribution, in the several County Treasuries, of funds arising from the sale of swamp lands—report it back, with a substitute for section two, and recommend its passage as amended.

Also, Assembly Bill No. 597—An Act to settle certain claims against the State—report it back, and recommend that it be indefinitely postponed.

R. KERCHEVAL, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 649—An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County.

BRADLEY, Chairman.

By Mr. Bowers:

MR. SPEAKER: The San Diego delegation, to whom was referred Senate Bill No. 402—An Act to reincorporate the City of San Diego—report the bill back, and recommend its passage.

BOWERS, for Delegation.

By Mr. Hill:

Mr. SPEAKER: The Nevada delegation, to whom was referred Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, and referring exclusively to the School District of Nevada City—report the same back, and recommend its passage.

HILL, for Delegation.

By Mr. Coggins:

Mr. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 403—An Act concerning the records and papers of the Clerk's office of the County of Sacramento—and report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 413—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal—and report the same back with amendments, with a recommendation that it pass as amended.

Also, Assembly Bill No. 546—An Act relating to taxation in the City of Sacramento—with a recommendation that it do not pass.

Also, Assembly Bill No. 587—An Act to fund the accrued interest on the bonds issued by the City and County of Sacramento for city indebtedness—and report the same back, with a recommendation that it do not pass.

COGGINS, for Delegation.

By Mr. Escandon:

Mr. SPEAKER: The Santa Barbara delegation, to whom was referred Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County now constituting Ventura County—report it back, and recommend its passage.

ESCANDON, for Delegation.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means have had under consideration Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County—report it back with amendments to sections thirteen, fourteen, and fifteen, and recommend its passage as amended.

Also, Assembly Bill No. 613—An Act amending certain sections of the Political Code relative to assessment of property for taxation—report the same back, and recommend its passage.

Also, Assembly Bill No. 629—An Act to amend section thirteen hundred and twenty-nine of the Political Code respecting the pay of witnesses in criminal cases—report the same back, and recommend its passage.

Also, Assembly Bill No. 599—An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three—report the same back, and recommend its passage.



Also, Assembly Bill No. 638—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the State—report the same back, and recommend its passage.

Also, Assembly Bill No. 650—An Act to provide for an equitable assessment of live stock pastured on the Sierra Nevada mountains during the Summer months, and kept in the State of Nevada during the Winter season—report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 601—An Act making an appropriation for improvements in Yosemite Valley—report the same back, and recommend that it do not pass.

FREEMAN, Chairman.

By Mr. Long:

MR. SPEAKER: The Mono delegation, to whom was referred Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono—beg leave to return the same, and recommend that it pass.

LONG, for Delegation.

By Mr. Amerman:

MR. SPEAKER: The Alameda delegation, to whom was referred Senate Substitute for Assembly Bill No. 435—respectfully report the same back, and recommend its passage.

AMERMAN,  
GURNETT.

#### RECONSIDERATION.

Mr. Bowers, pursuant to notice, moved a reconsideration of the vote by which the House, on yesterday, refused to pass Senate Bill No. 345.

The House refused to reconsider.

Mr. Kercheval, pursuant to notice, moved to reconsider the vote by which the House, on yesterday, passed Senate Bill No. 431.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Kercheval, Tully, and Terrill, and the House refused, by the following vote:

AYES—Messrs. Bradley, Bryan, Clark, Coggins, Dixon, Escandon, Freeman, Hill, Howe, Kercheval, McCallum, Miller, Northcutt, Paulsell, Stowers, Tully, and Vandall—17.

NOES—Messrs. Ables, Barton, Bowers, Byrnes, Canfield, Cowdery, Cressler, Davis, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Hurlburt, Ingham, Knox, Long, Morgan, Murphy, Northup, Norton, Parker, Patterson, Peek, Pelham, Rea, Rogers, Simpers, Simpson, Snyder, Summers, Terrill, Venable, Welch, Wickware, Winchell, and Mr. Speaker—40.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 18th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Joint Committee of Free Conference on Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Also, passed Assembly Bill No. 537—An Act to provide for the payment of a debt due N. Fitzgerald, from the Lake City School District, in Modoc County.

Also, passed Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the State Capitol.

Also, amended and passed Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Also, amended and passed Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

Also, amended and passed Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two.

Also, indefinitely postponed Assembly Bill No. 389—An Act for the relief of James P. Sargent.

Also, indefinitely postponed Assembly Bill No. 554—An Act to authorize the transfer and loan of certain funds in Solano County.

Also, concurred in Assembly amendments to Senate Bill No. 427—An Act authorizing the transcribing of certain records in the County of Sacramento.

Also, refused to concur in Assembly amendment to Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Also, amended and passed Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish its boundaries, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

Also, passed Senate Bill No. 473—An Act to fix the salary of the County Recorder of the County of Placer—and ordered the same transmitted without engrossment.

Also, on the sixteenth instant, passed Senate Bill No. 407—An Act for the protection of buoys and beacons.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 271, above reported, the House refused to recede from its amendment.

The Speaker appointed Messrs. Cowdery, Williams, and Rogers, on the part of this House, a Committee of Conference on the disagreeing vote of the two Houses on Assembly amendment to Senate Bill No. 271.

Senate Bill No. 473, above reported, read first and second times, and referred to the Placer delegation.

Senate Bill No. 407, above reported, read first and second times, and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 608, above reported, the House concurred in Senate amendments.

Assembly Bill No. 510, above reported, the House concurred in Senate amendment.

Assembly Bill No. 326, above reported, House concurred in Senate amendments.

Assembly Bill No. 349, above reported, Senate substitute adopted.

#### REPORT.

By Mr. Russell:

MR. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 653, have had the same under consideration; and beg leave to report a substitute therefor, and recommend that the substitute do pass.

RUSSELL, for Delegation.

Assembly Bill No. 653, above reported, was taken up, substitute adopted, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Swift—An Act for the relief of Joseph Leggett, of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Kercheval—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sacramento, approved April second, eighteen hundred and seventy, and all Acts amendatory thereof and supplemental thereto.

Read first and second times, by unanimous consent taken up, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Wickware—An Act to ratify and confirm certain orders, resolutions, and acts of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Russell—An Act to amend an Act entitled an Act to allow certain persons named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Cowdery—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Read first and second times, and ordered on File.

By Mr. Hurlburt—An Act to amend section thirty-nine hundred and fourteen of the Political Code.

Read first and second times, and referred to the Committee on Counties and County Boundaries.

#### RECONSIDERATION.

On motion of Mr. Pelham, the House reconsidered the vote by which Senate amendment to Assembly Bill No. 193 was concurred in, on yesterday, and the House refused to concur in the amendment.

#### GENERAL FILE.

Assembly Bill No. 414—An Act regulating the measurement of water when sold for mining purposes.

Engrossment refused.

Senate Bill No. 98—An Act to provide for the payment of certain bonds in the County of Lake.

Amended, and on the passage of the bill, the ayes and noes were demanded by Messrs. Murphy, Snyder, and Venable, and the House refused, by the following vote:

AYES—Messrs. Amerman, Bowers, Bradley, Byers, Byrnes, Canfield, Carter, Clark, Cowdery, Dixon, Freidenrich, Ferguson, Hammitt, Hurlburt, Miller, Murphy, Northcutt, Northup, Norton, Peek, Russell, Simpers, Snyder, Stowers, Tinnin, Venable, and Williams—27.

NOES—Messrs. Ables, Barton, Bryan, Burt, Chandler, Coggins, Cressler, Davis, Franck, Freeman, Giffen, Gilmore of Calaveras, Gray, Gurnett, Heald, Howe, Ingham, Kercheval, Knox, Long, Meyers, Parker, Patterson, Paulsell, Pelham, Rea, Rogers, Roush, Summers, Swift, Terrill, Tully, Vandall, Welch, Wickware, and Winchell—36.

Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

Pending the reading, at twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Assembly Bill No. 226—An Act for the relief and support of paupers and indigent persons, and for the correction of vagrants and spendthrifts.

The bill was read a third time, and passed.

Mr. Cowdery gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed Assembly Bill No. 226.

Mr. Tully gave notice that he would, to-morrow, move to reconsider the vote by which the House, to-day, refused to pass Senate Bill No. 98.

#### RESOLUTION.

Mr. Higbie had leave to introduce the following resolution:

*Resolved*, That the Engrossing Clerk be authorized to reverse the order of number, and change the number of certain sections of an Act to amend the provisions of the Political Code, relative to public schools, in order that the numbers may be consecutive and correct.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 205—An Act to amend the Political Code.

On motion of Mr. Terrill, the bill was recommitted to the Special Committee on Political Code, with specific instructions to amend.

#### REPORT.

By Mr. Norton:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 205, with instructions to make certain insertions, beg leave to report the same back, having complied with the request of the House.

NORTON, Chairman.

The report was adopted.

[Speaker pro tem. in the chair.]

#### RECONSIDERATION.

Pursuant to notice, Mr. Kercheval moved to reconsider the vote by which the House, on yesterday, passed Assembly Bill No. 205 to engrossment; on which the ayes and noes were demanded by Messrs. Miller, Stowers, and Norton, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Barton, Bowers, Bryan, Canfield, Carter, Chandler, Clark, Coggins, Davis, Freeman, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hill, Howe, Hurlburt, Ingham, Kercheval, Long, McCallum, Meyers, Murphy, Northcutt, Parker, Peek, Rea, Russell, Simpser, Simpson, Snyder, Stowers, Swift, Tinnin, Venable, Welch, and Winchell—38.

NOES—Messrs. Burt, Byers, Cowdery, Freidenrich, Gray, Heald, Miller, Northup, Norton, Patterson, Paulsell, Rogers, Roush, Terrill, Tully, Vandall, Williams, and Mr. Speaker—18.

The bill was further amended, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### REPORT.

By Mr. Knox:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties;

Also, Assembly Bill No. 383—An Act to provide for building a bridge at the mouth of the Bay of San Leandro, in the County of Alameda;

Also, Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park;

Also, Assembly Bill No. 517—An Act concerning roads and highways in the County of Yolo;

Also, Assembly Concurrent Resolution No. 52—to authorize the Governor to deliver to D. L. Perkins a certain silver medal and a diploma;

Also, Assembly Concurrent Resolution No. 39—to abolish tariff on quicksilver;

Also, Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society of Oakland to convey certain real estate belong to said society in the City of Oakland, County of Alameda;

Also, Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house;

Also, Substitute for Assembly Concurrent Resolution No. 31—relative to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean;

Also, Substitute for Assembly Bill No. 406—An Act to define the boundary, provide for the care, strengthening, and repairing of Levee District Number One, Sutter County;

Also, Assembly Bill No. 545—An Act to incorporate the Town of Menlo Park, in the County of San Mateo;

Also, Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer;

Also, Assembly Bill No. 221—An Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March fourth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 370—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County, in certain cases;

Also, Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals;

Also, Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail;

Also, Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo;

Also, Assembly Bill No. 506—An Act concerning roads and highways in the County of Butte;

And that the same were, this nineteenth day of March, eighteen hundred and seventy-four, at fifteen minutes to one o'clock, transmitted to the Governor, for his approval.

KNOX, for Committee.

#### GENERAL FILE RESUMED.

Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code.

Passed on the File.

Assembly Bill No. 403—An Act in relation to the Political Code.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 502—An Act to add two additional sections to the Penal Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 15—An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March eleventh, eighteen hundred and seventy-two.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Coggins, Barton, and Kercheval, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Byrnes, Canfield, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Freidenrich, Ferguson, Gray, Hammitt, Heald, Hurlburt, Ingham, Long, McCallum, Meyers, Northcutt, Northup, Norton, Parker, Patterson, Peek, Rea, Rogers, Snyder, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Wickware, Williams, and Mr. Speaker—39.

**NOES**—Messrs. Barton, Bowers, Bradley, Bryan, Burt, Byers, Carter, Chandler, Franck, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Howe, Kercheval, Klotz, Knox, Miller, Paulsell, Pelham, Roush, Russell, Simpkins, Simpson, Stowers, and Winchell—26.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Coggins, Barton, and Kercheval, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Byrnes, Canfield, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Freidenrich, Ferguson, Gilmore of Calaveras, Hammitt, Heald, Hurlburt, Long, McBride, McCallum, Meyers, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Rea, Rogers, Snyder, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Wickware, Williams, and Mr. Speaker—38.

**NOES**—Messrs. Barton, Bowers, Bradley, Bryan, Burt, Byers, Carter, Chandler, Freeman, Gurnett, Howe, Kercheval, Klotz, Knox, Miller, Paulsell, Pelham, Roush, Russell, Simpkins, Simpson, Stowers, and Winchell—23.

The bill was ordered engrossed out of its order, and made the special order for Saturday next, at one o'clock P. M.

Mr. Coggins gave notice that he would, on to-morrow, move to reconsider the vote by which the bill was ordered engrossed.

#### REPORT.

Mr. Bradley had leave to make the following report:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

Also, Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

Also, Assembly Bill No. 605—An Act to provide additional Notaries Public in the County of Inyo.

Also, Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in Yuba County, to Knights

Landing, in the County of Yolo, and to regulate freights and fares thereon.

Also, Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Also, Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Also, Assembly Bill No. 573—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 651—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of J. N. Bailey.

Also, Assembly Bill No. 619—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April twenty eighth, eighteen hundred and sixty, approved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 623—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds.

BRADLEY, Chairman.

#### RESOLUTION.

Mr. Peek had leave to introduce the following:

*Resolved*, That the Engrossing Clerk of this House be instructed to insert the enacting clause in Assembly Bill No. 619.

Adopted.

#### GENERAL FILE RESUMED.

Substitute for Assembly Bill No. 114—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo, and Benicia, approved March twenty-second, eighteen hundred and seventy.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Patterson, Vandall, and Howe, and the House refused, by the following vote:

**AYES**—Messrs. Bradley, Bryan, Byers, Chandler, Coggins, Gilmore of El Dorado, Hammitt, Kercheval, Knox, Meyers, Parker, Patterson, Sumpers, and Vandall—14.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byrnes, Canfield, Carter, Clark, Cowdery, Cressler, Davis, Dixon, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gray, Gurnett, Howe, Hurlburt, Long, McBride, McCallum, Miller, Murphy, Northcutt, Norton, Peek, Pelham, Rea, Rogers, Roush, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Wickware, and Mr. Speaker—47.



## RESOLUTION.

Mr. Gilmore of El Dorado had leave to introduce the following resolution:

*Resolved*, That the committee to whom Assembly Bill No. 556 was referred, be and are hereby required to report it back, with or without recommendation.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Swift, Ables, and Tully, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byers, Canfield, Carter, Coggins, Franck, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Howe, Kercheval, Northcutt, Peek, Rogers, Simpson, Snyder, Summers, Terrill, Tinnin, Tully, Vandall, Venable, Wickware, and Mr. Speaker—26.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Freeman, Freidenrich, Gray, Hurlburt, Ingham, Knox, Long, McBride, McCallum, Meyers, Miller, Norton, Parker, Patterson, Pelham, Rea, Roush, Russell, Simpers, Stowers, Swift, Thomas, Welch, and Winchell—36.

## GENERAL FILE RESUMED.

Senate Bill No. 233—An Act supplemental to an Act entitled an Act supplementary to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five, approved April fourth, eighteen hundred and seventy.

Read a third time, and passed.

Senate Bill No. 107—An Act in relation to homesteads.

Read a third time, and passed.

Senate Bill No. 194—An Act to pay certain claims in favor of Patrick Kearns.

Senate Bill No. 262—An Act to provide for the payment of attorneys' fees.

Senate Bill No. 256—An Act making an appropriation for the payment of the unpaid salaries of the Code Commissioners, clerical labor, and other expenses incurred by the State, under the Act approved March twenty-second, eighteen hundred and seventy-two.

The House went into Committee of the Whole for the consideration of the three bills.

[Mr. Howe in the chair.]

The bills were considered in Committee of the Whole, when, Mr. Tinnin moved that when the committee arise, it report back Senate Bill No. 194 and Senate Bill No. 262, recommending their passage, and Mr. Williams made the same motion relative to Senate Bill No. 256.

The committee arose, and reported the bills back, recommending their passage.

## IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 194, above reported, read a third time, and passed.

Senate Bill No. 262, above reported, read a third time, and passed.

Senate Bill No. 256, above reported, read a third time, and, on its pas-

sage, the ayes and noes were demanded by Messrs. Bowers, Parker, and Vandall, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bryan, Canfield, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Howe, Hurlburt, Kercheval, Klotz, Knox, McBride, McCallum, Meyers, Miller, Northcutt, Northup, Norton, Peek, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Swift, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—49.

**NOES**—Messrs. Bowers, Burt, Franck, Hammitt, Long, Parker, Patterson, Paulsell, Pelham, Rea, Summers, and Vandall—12.

**Assembly Bill No. 467**—An Act to amend section six hundred and ninety of the Code of Civil Procedure.

Indefinitely postponed.

**Assembly Bill No. 390**—An Act to repeal Article XI, of Chapter I, Title VI, of the Political Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

**Senate Bill No. 212**—An Act for the relief of James W. Marshall.

**Senate Bill No. 358**—An Act to provide for the purchase of certain portraits.

**Assembly Bill No. 609**—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

**Assembly Bill No. 443**—An Act for the relief of A. M. Winn.

The House went into Committee of the Whole for consideration of the four bills.

[Mr. Howe in the chair.]

The bills were considered in Committee of the Whole, when a motion of Mr. Williams' was adopted, that when the committee arise, Senate Bill No. 212 shall be reported back, with the recommendation that it pass; a similar motion of Mr. Cowdery's as to Senate Bill No. 358, was adopted; also, a similar motion of Mr. Tinnin's as to Assembly Bill No. 609, was adopted; also, a motion of Mr. Paulsell's, that Assembly Bill No. 443 be reported back, with the recommendation that it do not pass, was adopted.

#### IN ASSEMBLY.

[Speaker in the chair.]

**Senate Bill No. 212**, above reported, read a third time, and on its passage, the ayes and noes were demanded by Messrs. Burt, Vandall, and Terrill.

Pending the call of the roll, Mr. Vandall, at four o'clock and fifty-six minutes P. M., moved to adjourn.

Lost.

The roll was called, with the following result:

**AYES**—Messrs. Amerman, Barton, Bowers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hurlburt, Ingham, Kercheval, Klotz, Long, McCallum, Miller, Murphy, Northup, Parker, Patterson, Paulsell, Peek, Rogers, Roush, Russell, Simpers, Simpson, Summers, Swift, Tully, Venable, Welch, Wickware, Williams, and Mr. Speaker—43.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Cressler, Dixon, Franck, Freeman, Howe, McBride, Northcutt, Pelham, Rea, Stowers, Terrill, Tinnin, Thomas, and Vandall—20.

Senate Bill No. 358, above reported, read a third time, and on its passage, the ayes and noes were demanded by Messrs. Vandall, Terrill, and Burt, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Bowers, Bradley, Byrnes, Canfield, Carter, Coggins, Cowdery, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Howe, Klotz, McCallum, Miller, Northup, Parker, Patterson, Peek, Rogers, Roush, Russell, Simpson, Stowers, Swift, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, and Mr. Speaker—36.

NOES—Messrs. Ables, Aldrich, Barton, Bryan, Burt, Byers, Chandler, Clark, Cressler, Davis, Dixon, Franck, Hammitt, Hurlburt, Ingham, Kercheval, Long, McBride, Meyers, Murphy, Northcutt, Paulsell, Pelham, Rea, Simpers, Summers, Terrill, and Vandall—28.

Assembly Bill No. 609, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 443, above reported, indefinitely postponed.

On motion of Mr. Williams, Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County—was made the special order for Saturday next, at two o'clock P. M.

At five o'clock and six minutes P. M., on motion of Mr. Cowdery, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, March 20th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Higbie.

## RECONSIDERATION.

Pursuant to notice, Mr. Rogers moved to reconsider the vote by which the House, yesterday, ordered engrossed Substitute for Assembly Bill No. 15.

Mr. Freidenrich moved to indefinitely postpone the motion to reconsider; on which the ayes and noes were demanded by Messrs. Coggins, Barton, and Clark, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Byrnes, Canfield, Cowdery, Cressler, Escandon, Freidenrich, Hamill, Hammitt, Hay, Howe, Hurlburt, Ingham, McCallum, Northup, Norton, Patterson, Pishon, Rea, Rogers, Simpson, Snyder, Swift, Tinnin, Thomas, Tully, Vandall, Venable, Wickware, Williams, and Mr. Speaker—33.

**NOES**—Messrs. Barton, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Davis, Dixon, Franck, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Heald, Klotz, Knox, Long, Meyers, Miller, Morgan, Murphy, Northcutt, Paulsell, Peek, Pelham, Roush, Russell, Simpers, Stowers, Summers, and Winchell—37.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Coggins, Barton, and Russell, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Bowers, Bradley, Bryan, Burt, Byers, Carter, Chandler, Clark, Coggins, Davis, Franck, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Kercheval, Klotz, Knox, Long, Miller, Morgan, Northcutt, Parker, Paulsell, Peek, Pelham, Roush, Russell, Simpers, Simpson, Stowers, Summers, and Winchell—36.

**NOES**—Messrs. Ables, Aldrich, Amerman, Byrnes, Canfield, Cowdery, Cressler, Dixon, Escandon, Freidenrich, Hamill, Hammitt, Hay, Heald, Howe, Hurlburt, Ingham, McBride, McCallum, Meyers, Murphy, Northup, Norton, Patterson, Pishon, Rea, Rogers, Snyder, Swift, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, and Mr. Speaker—39.

Mr. Tinnin, pursuant to notice, moved to reconsider the vote by which the House, on yesterday, refused to pass Senate Bill No. 98.

Mr. Welch moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Tinnin, Clark, and Northcutt, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Burt, Byers, Chandler, Cressler, Franck, Giffen, Gray, Gurnett, Hay, Heald, Howe, Ingham, Knox, Meyers, Morgan, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpson, Swift, Thomas, Tully, Welch, Wickware, Winchell, and Mr. Speaker—32.

**NOES**—Messrs. Barton, Bowers, Bryan, Canfield, Carter, Clark, Coggins, Cowdery, Davis, Dixon, Escandon, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Hamill, Hammitt, Hurlburt, Kercheval, Klotz, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Norton, Parker, Peek, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Vandall, Venable, and Williams—39.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Tinnin, Murphy, and Clark, and the House so ordered, by the following vote:

**AYES**—Messrs. Barton, Bowers, Bradley, Bryan, Canfield, Carter, Clark, Cowdery, Davis, Dixon, Escandon, Freeman, Freidenrich, Fer-

guson, Gilmore of Calaveras, Hamill, Hammitt, Hay, Hurlburt, Kercheval, Klotz, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Norton, Parker, Peek, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Venable, and Williams—39.

NOES—Messrs. Ables, Aldrich, Amerman, Burt, Byers, Chandler, Coggins, Cressler, Franck, Giffen, Gilmore of El Dorado, Gray, Gurnett, Heald, Howe, Ingham, Knox, Meyers, Morgan, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpson, Swift, Thomas, Tully, Vandall, Welch, Wickware, Winchell, and Mr. Speaker—35.

On the passage of the bill, the ayes and noes were demanded by Messrs. Murphy, Ferguson, and McBride, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Byrnes, Canfield, Carter, Clark, Cowdery, Dixon, Escandon, Freeman, Friedenrich, Ferguson, Gilmore of Calaveras, Hamill, Hammitt, Hay, Hurlburt, Kercheval, Klotz, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Norton, Parker, Peek, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Venable, and Williams—40.

NOES—Messrs. Ables, Aldrich, Bunt, Byers, Chandler, Coggins, Cressler, Davis, Franck, Giffen, Gilmore of El Dorado, Gray, Gurnett, Heald, Howe, Ingham, Knox, Meyers, Morgan, Patterson, Paulsell, Pelham, Pishon, Rea, Rogers, Roush, Simpson, Swift, Terrill, Thomas, Tully, Vandall, Welch, Wickware, Winchell, and Mr. Speaker—36.

#### REPORTS.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 678—An Act for the relief of R. G. Strong—beg leave to report that they have carefully examined said bill, and the testimony in support thereof, and find:

First—That the County Judge before whom said Strong was tried, believes him to have been justly convicted;

Second—That the District Attorney, who prosecuted the action against said Strong, is not satisfied that he is innocent;

Third—That the petitions for the pardon of said Strong only declare an impression that he is innocent, without giving any facts on which such an impression can be justly based.

While your committee would be most anxious to make reparation to a citizen unjustly convicted of a crime, they cannot find, in this case, any reliable testimony showing that the conviction of said Strong was unjust. During the next two years, the said Strong will undoubtedly have an opportunity to establish his innocence before a Court of Justice; and, if he succeeds in doing this, the next Legislature will, in all probability, make him such amends as his case demands. Wherefore, your committee beg leave to report back said bill, and recommend that it do not pass.

Your committee have also considered Senate Bill No. 253—An Act for the relief of Catherine Connelly—and a majority of the committee beg leave to report the same back, with the recommendation that it do not pass.

TINNIN, Chairman.

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 198—An Act to amend section thirty-four hundred and ninety-five of the Political Code—report the same back with an amendment, and recommend its passage as amended.

Also, Assembly Bill No. 558—An Act to define the amount of land described in certain patents—report the same back, and recommend that it be indefinitely postponed.

GRAY, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 126—An Act to amend the Civil Code—and report it back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure—and report it back, and recommend its passage.

Also, Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment—and report the same back, and recommend its passage.

Also, Assembly Bill No. 625—An Act declaring the force and effect of the provisions of the Political Code concerning the office of District Attorney in El Dorado County, and granting to G. J. Carpenter, District Attorney of said county, temporary leave of absence from said State—and report it back, and recommend its passage.

WILLIAMS, Chairman.

Assembly Bill No. 126, above reported, was made the special order for Monday next, at one o'clock P. M.

By Mr. Aldrich:

MR. SPEAKER: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 497—An Act for the protection of buoys and beacons—report the same back, and recommend its passage.

Also, Assembly Bill No. 654—An Act concerning the State Harbor Commissioners, and for other purposes—report the same back, and recommend its passage.

ALDRICH, Chairman.

Assembly Bill No. 654, above reported, was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 620—An Act in relation to suits against the County of Marin, for damages on account of laying out public roads.

Also, Assembly Bill No. 627—An Act to make the bridge across the Stone Road Crossing in Sutter County, a free bridge, and for said county to own and control the same.

Also, Assembly Bill No. 666—An Act concerning the county records of the County of Marin.

Also, Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne.

Also, Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County.

Also, Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners.

Also, Assembly Bill No. 665—An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin.

Also, Assembly Bill No. 681—An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county.

Also, Assembly Bill No. 430—An Act to amend section three thousand six hundred and seventeen of the Political Code.

Also, Assembly Bill No. 684—An Act to repeal an Act entitled an Act concerning roads and highways in the County of Sacramento, approved April second, eighteen hundred and seventy.

Also, Assembly Bill No. 502—An Act to add two sections to the Penal Code.

Also, Assembly Bill No. 403—An Act in relation to the Political Code.

Also, Assembly Bill No. 390—An Act to repeal Article XI, of Chapter I, Title VI, of the Political Code.

Also, Assembly Bill No. 609—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

BRADLEY, Chairman.

By Mr. Paulsell:

Mr. SPEAKER: The Committee of Free Conference on Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County—after an impartial investigation of the subject matter to them referred, now respectfully report, and ask the Senate to recede from its amendment to section four, striking out the last proviso in said section; and that the amendment of the Senate to section four, line four, striking out the word "fifteen," and inserting the words "twenty-five hundred," be changed to read "two thousand."

EVANS, for Senate Committee.

PAULSELL, for House Committee.

The report was adopted.

By Mr. Barton:

Mr. SPEAKER: A minority of your Committee on Claims beg leave to report that they respectfully dissent from the opinion of the majority of said committee in relation to Senate Bill No. 253—An Act for the relief of Catherine Connelly—they consider the claim of said Catherine Connelly to be grounded both in law and equity, and that it should be paid by the State; wherefore, said minority respectfully submit that said bill should pass.

BARTON,  
STOWERS,

Minority of Committee on Claims.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means have had under consideration Senate Bill No. 99—An Act to appropriate money to complete the State Normal School building, and for the improvement of the grounds—report the same back with an amendment, and recommend its passage as amended.

FREEMAN, Chairman.

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 586—An Act to discourage the use of intoxicating liquors—have had the same under consideration, and beg leave to report the same back, and recommend that it do not pass.

PATTERSON, for Committee.

By Mr. Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 647—An Act amendatory to the Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight, and to the Act supplementary thereto, approved March thirtieth, eighteen hundred and seventy-two—report that they have considered the same, and report it back, and recommend that it pass.

KERCHEVAL, Chairman.

Assembly Bill No. 647, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Hurlburt:

MR. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 646—An Act supplemental to an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code, approved March thirteenth, eighteen hundred and seventy-four—beg leave to report the same back without recommendation.

HURLBURT, for Committee.

Assembly Bill No. 646, above reported, taken up, rules suspended, bill considered engrossed, read a third time, and passed, and title amended.

#### RESOLUTION.

By Mr. Norton:

*Resolved*, That the Engrossing Clerk of the Assembly is hereby directed to engross Assembly Bill No. 205—An Act to amend the Political Code—out of its order, and to do so as soon as possible.

Adopted.

#### REPORTS.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred



Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and to authorize certain appropriations of money by said Board—now return the same, with the recommendation that it pass.

SWIFT, Chairman.

Assembly Bill No. 648, above reported, taken up, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Amerman:

MR. SPEAKER: Your Select Committee on Game and Fish, to whom was referred joint resolutions of the State of Nevada, relating to the protection of fish in the Truckee River, as also the petition of citizens of Truckee Valley, upon the same subject, have carefully considered the same, and report the following:

That the special cause of grievance complained of—the running of sawdust into the Truckee River—applies not only to that stream, but to many others in our State, and a great diversity of opinion in relation to the deleterious effects thereof, seems to prevail. Your committee have given the subject considerable attention, examined carefully the petition in favor of the abolition of the practice, as well as the remonstrance of mill owners and others against the passage of any bill upon the subject.

The conclusions arrived at are, while we believe the practice is a bad one, and should be discontinued, whenever and as soon as it can be done without inflicting great and irreparable injury upon the manufacturing interests which it so seriously affects, yet we do not think it advisable and judicious to enact any law at the present session.

The mill and manufacturing interests located upon the several streams and rivers of our State are of immense value, and afford employment to thousands of people. Mills upon these rivers and streams seem to have been constructed with the sole purpose, so far as sawdust is concerned, of having the same carried off by the current, as a matter of economy, not for the purpose of interfering with the rights of others, or of injuring the water. It does not appear that there was any malicious intent in any single instance; consequently, the rights of all parties should receive impartial consideration. From the evidence before us, it is certain that large sums of money are invested in these mill and manufacturing establishments, and that a change in the manner of disposing of the sawdust would involve a large expenditure, particularly in the case of those mills operated by water power. So far as the steam mills are concerned, the change might be effected by a comparatively small outlay of capital.

We cannot entirely ignore the other side of the question. The fish interests of the State are of vital importance to all our people. The rapid depletion of many of the streams has excited great apprehension in the minds of many, that we will soon present the anomalous condition of a country with the finest rivers, bays, and streams in the world, destitute of that essential article of food. Public spirited and enterprising men are making great efforts, by the outlay of their private means, and sacrifice of their time, to restock and replenish the bays, rivers, and streams with all the varieties known to the world. These praiseworthy efforts should be, as far as practicable, seconded by such needful legislation as may be demanded. If, then, it can be shown officially, by disinterested and competent authority, that the running of sawdust in streams destroys the ova or spawn of fish, and, in conse-

quence, tends to the depletion of those streams, it should receive careful attention and just and wise legislative action.

The same remarks are applicable, so far as water for irrigating purposes are concerned. If the running of sawdust in streams used for irrigating purposes in the farming sections, is deleterious and poisonous to the land, it is a serious evil, and should be remedied. We think this whole subject should receive the careful attention and strict investigation of the Fish Commissioners, and be the subject of an official report to the next Legislature of the State.

We believe that the mill men of the State are reasonable people, and if they can be convinced that the present mode is injurious and detrimental to vital interests of their fellow citizens, they will in time so arrange the mode and manner of disposing of their sawdust as will effectually settle the whole subject.

AMERMAN, Chairman.

By Mr. Russell:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 686—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two—having duly considered the same, beg leave to report it back, and recommend its passage.

RUSSELL, for Delegation.

Assembly Bill No. 686, above reported, taken up, rules suspended, bill considered engrossed, read a third time, and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 19th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 531—An Act to reincorporate the City of San José.

Also, Assembly Bill No. 483—An Act to authorize the removal of the bodies of certain deceased persons from the lands of Juan B. Castro, of Monterey County, for burial in the public burying grounds.

Also, Assembly Bill No. 557—An Act to extend the provisions of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Santa Barbara, Ventura, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 231—An Act to transfer certain funds in the County of Kern.

Also, Assembly Bill No. 521—An Act concerning the employment of teachers in the public schools in the Counties of Trinity and Shasta.

Also, Assembly Bill No. 368—An Act to authorize the Board of Trustees of Redwood City to extend and open Stambaugh street, in said town, from the intersection of said street with the west side of Maple

street to its intersection with Main street, and to condemn private property for the roadway of said street.

Also, Assembly Bill No. 548—An Act relating to the Supervisors of San Joaquin County.

Also, Assembly Bill No. 534—An Act for the protection of property at East Park, in Sacramento County.

Also, Assembly Bill No. 466—An Act to prescribe the duties and provide the salaries of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto.

Also, Assembly Bill No. 148—An Act to amend an Act entitled an Act to incorporate the Town of Alameda, approved March seventh, eighteen hundred and seventy-two.

Also, Assembly Bill No. 272—An Act to amend the Civil Code by adding a new section, to be designated section thirteen hundred and thirteen.

Also, Assembly Bill No. 563—An Act to amend an Act entitled an Act to reincorporate the City of Stockton, approved March twenty-seventh, eighteen hundred and seventy-two, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 486—An Act to restrict sheep from being herded or running at large in certain portions of Lake County.

Also, Assembly Bill No. 484—An Act to fix the compensation of certain officers in the County of Marin.

Also, Assembly Bill No. 612—An Act to amend an Act entitled an Act to reorganize the Supervisor districts of the County of Monterey.

Also, Assembly Bill No. 367—An Act authorizing the Board of Supervisors of the City and County of San Francisco to examine and pay certain claims.

Also, Assembly Bill No. 515—An Act for the relief of W. T. Williams, late District Attorney of Santa Barbara County.

Also, Assembly Bill No. 485—An Act concerning road poll tax for Tehama County.

Also, Assembly Bill No. 413—An Act to authorize the transfer of certain promissory notes belonging to the estate of Sumner B. Hinds, deceased, from this State to the Territory of Washington.

Also, Assembly Bill No. 421—An Act supplementary to an Act entitled an Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization, approved February twelfth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 526—An Act to authorize the Board of Supervisors of Mendocino County to issue bonds for the construction of wagon roads in said county.

Also, Assembly Bill No. 444—An Act concerning county officers in Yolo County, and to regulate the fees and salaries thereof.

Also, Assembly Bill No. 75—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

NEWTON BOOTH,  
Governor.

At twelve o'clock M. the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## RESOLUTION.

By Mr. Heald:

*Resolved*, That the Committee on Counties and County Boundaries be authorized to issue subpoenas and send for persons and papers in the matter of the division of Solano County.

Adopted.

## SPECIAL ORDER.

The special order, Assembly Bill No. 304, was laid over until the regular order of business is gone through with.

## MESSAGES FROM THE SENATE.

SENATE CHAMBER,  
March 19th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collection of taxes.

Also, indefinitely postponed Assembly Bill No. 382—An Act to prohibit the feeding of cows on still slops, and the sale of milk from cows fed on still slops, and from sick and diseased cows.

Also, adopted Senate Concurrent Resolution No. 59—relative to a joint committee on Indian war indebtedness of eighteen hundred and fifty-one and eighteen hundred and fifty-two.

Also, on the seventeenth instant, passed Senate Bill No. 405—An Act to enforce the educational rights of children.

Also, passed Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 164—An Act to provide for the return to the State Treasury and for cancellation, of certain Controller's warrants.

Also, passed Assembly Bill No. 476—An Act to amend section thirty-three hundred and sixty four of the Political Code.

Also, on this day, passed Senate Bill No. 346—An Act to provide for the erection of county buildings in the County of Alameda, and for the issuance of bonds therefor—and ordered the same transmitted to the Assembly without engrossment.

Also, passed Assembly Bill No. 577—An Act to add another section to the Penal Code.

Also, passed Assembly Bill No. 423—An Act making an appropriation for the purchase of apparatus for the State Normal School.

Also, passed Assembly Bill No. 543—An Act to provide for the pur-

chase and construction of free bridges in Big Tree Township, County of Mendocino.

Also, passed Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes

Also, amended and passed Assembly Bill No. 394—An Act to incorporate the Town of Hoilister.

Also, indefinitely postponed Assembly Bill No. 165—An Act to amend the Civil Code of this State.

Also, indefinitely postponed Assembly Bill No. 385—An Act to add to Title II, Part III, of the Code of Civil Procedure, sections providing for contesting all elections.

Also, indefinitely postponed Assembly Bill No. 294—An Act to amend section thirty-five hundred and seventy-three of the Political Code.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 19th, 1874 }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendments to Senate Bills Nos 314 and 74.

Also, refused to concur in Assembly amendments to Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

Also, that the Senate refused to recede from its amendments to Assembly Bill No. 503—An Act legalizing the official acts of Constables, in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 566—An Act to protect agriculture in the County of Calaveras.

Also, amended and passed Assembly Bill No 647—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the Town of Santa Clara, approved March sixth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 662—An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two.

Also, adopted Assembly Concurrent Resolution No. 57—to correctly sectionize Assembly Bill No. 102.

Also, passed Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Also, passed Senate Bill No. 484—An Act relating to streets and roads in the City and County of Sacramento—and ordered the bill transmitted without engrossment.

Also, passed Senate Bill No. 487—An Act restricting the herding of sheep and goats to certain pastures, in the County of El Dorado—and ordered the bill transmitted without engrossment.

Also, that the Senate, on the seventeenth instant, passed Senate Bill No. 441—An Act to authorize the Board of Supervisors of Stanislaus County to transfer certain funds.

Also, passed Senate Bill No. 398—An Act to add a section to the Political Code, providing official custody of bonds of County Clerks.

Also, passed Senate Bill No. 156—proposed amendment to section twenty one of Article XI, of the Constitution of this State.

Also, passed Senate Bill No. 468—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code.

Also, on the eighteenth instant, passed Senate Bill No. 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code.

Also, on the fourteenth instant, passed Senate Bill No. 258—An Act to amend the charter of the City of Los Angeles, to define its limits and rights, enlarge its powers, and provide for its more efficient government.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 20th, 1874. }

Mr. SPEAKER: I am directed to return to your honorable body Assembly Bill No. 205—An Act to amend the Political Code—with the request that the same be correctly engrossed, as owing to the great number of amendments it is impossible for the Senate to properly consider the same.

CRAWFORD,  
Assistant Secretary.

House recessed from its order to transmit without engrossment, Assembly Bill No. 205.

SENATE CHAMBER,  
March 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 439—An Act to allow certain persons to take possession of and improve a certain road in Sacramento County.

Also, passed Assembly Bill No. 498—An Act to reincorporate the Town of Woodland.

Also, passed Assembly Bill No. 182—An Act to reincorporate the City of Monterey.

Also, amended and passed Assembly Bill No. 516—An Act to amend the City Charter of Healdsburg, Sonoma County.

Also on the nineteenth instant, passed Assembly Bill No. 605—An Act to provide additional Notaries Public in the County of Inyo.

Also, passed Assembly Bill No. 571—An Act concerning roads in the County of Sutter.

Also, on March eighteenth, passed Senate Bill No. 466—An Act to amend the special school law of the City of Los Angeles.

Also, passed Senate Bill No. 471—An Act relating to officers and fees of office in San Diego, San Bernardino, and Los Angeles Counties.

Also, passed Senate Bill No. 478—Amendatory of an Act to protect agriculture in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two.

Also, this day, amended and passed Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol.

Also, passed Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in savings banks.

Also, indefinitely postponed Assembly Concurrent Resolution No. 46—relative to a certain bill pending in Congress concerning home for Mission Indians in California.

Also, passed Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California.

Also, passed Assembly Bill No. 570—An Act to reincorporate the Town of Yuba City.

Also, amended and passed Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Also, passed Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

Also, amended and passed Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco.

Also, passed Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county.

Also, indefinitely postponed Assembly Bill No. 473—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act for the preservation of seals, or sea lions, at or near the entrance to the harbor of San Francisco, approved April eighteenth, eighteen hundred and sixty-three, approved March thirty-first, eighteen hundred and sixty-six.

Also, indefinitely postponed Assembly Bill No. 252—An Act to enable the City and County of San Francisco to issue revenue bonds.

Also, passed Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

Also, amended and passed Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Also, indefinitely postponed Assembly Bill No. 24—An Act to authorize the Board of Education of the City and County of San Francisco to establish and maintain a labor school in and for said city and county.

IRA H. REED,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Concurrent Resolution No. 59, above reported, House refused to adopt.

Senate Bill No. 405, above reported, read first and second times, and referred to the Committee on Education.

Assembly Bill No. 394, above reported, Senate amendments concurred in.

Substitute for Senate Bill No. 346, above reported, read first and second times, rules suspended, substitute adopted, bill read a third time, and passed.

Assembly Bill No. 143, above reported, Senate amendments concurred in.

Senate Bill No. 398, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 434, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 468, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 459, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 441, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 237, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 484, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 156, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 487, above reported, read first and second times, and referred to the El Dorado delegation.

Assembly Bill No. 667, above reported, Senate amendments concurred in.

Assembly Bill No. 566, above reported, Senate amendments concurred in.

Assembly Bill No. 503, above reported, Messrs. Williams, Norton, and Roush were appointed a Committee of Conference on disagreeing vote of the two Houses on amendment to said bill.

Senate Bill No. 258, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 436, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 466, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 471, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 478, above reported, read first and second times, and referred to the Tehama and Colusa delegation.

Senate Bill No. 390, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 378, above reported, read first and second times, and referred to the Committee on Ways and Means.

Assembly Bill No. 32, above reported, on a motion to refer the Senate substitute for the bill to the Committee on Public Buildings and Grounds,



the ayes and noes were demanded by Messrs. Bowers, Tinnin, and Rogers, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bryan, Burt, Carter, Coggins, Davis, Dixon, Franck, Freeman, Heald, Kercheval, Knox, Long, McCallum, Meyers, Miller, Norton, Parker, Paulsell, Pelham, Roush, Simpson, Stowers, Swift, Terrill, Vandall, Venable, and Wickware—30.

**NOES**—Messrs. Bowers, Byers, Byrnes, Canfield, Clark, Cowdery, Cressler, Escandon, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Howe, Hurlburt, Ingham, Murphy, Northup, Peek, Pishon, Rogers, Simpers, Snyder, Summers, Tinnin, Thomas, Tully, Williams, and Mr. Speaker—31.

On concurring in Senate amendment, the ayes and noes were demanded by Messrs. Coggins, Terrill, and Rogers, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byers, Byrnes, Canfield, Clark, Cowdery, Davis, Dixon, Escandon, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hay, Hurlburt, Ingham, Murphy, Norton, Peek, Pishon, Rogers, Simpers, Snyder, Summers, Swift, Tinnin, Thomas, Tully, Venable, Williams, Winchell, and Mr. Speaker—36.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Carter, Coggins, Cressler, Franck, Freeman, Heald, Howe, Kercheval, Knox, Long, McBride, McCallum, Meyers, Miller, Northup, Parker, Paulsell, Pelham, Roush, Russell, Simpson, Stowers, Terrill, Vandall, and Wickware—31.

Mr. Swift gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, concurred in Senate amendment to Assembly Bill No. 32.

Assembly Bill No. 516, above reported, Senate amendments concurred in.

Assembly Bill No. 359, above reported, Senate amendments concurred in.

Assembly Bill No. 594, above reported, Senate amendments concurred in.

Assembly Bill No. 552, above reported, Senate amendments concurred in.

#### PETITION.

By Mr. Canfield—from citizens of Tulare County, protesting against pending bill for regulating telegraphic charges.

Referred to Committee on Corporations.

#### REPORTS.

By Mr. Knox:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they examined and found correctly enrolled Assembly Bill No. 236—An Act to quiet titles to certain lands in Yolo County;

Also, Assembly Bill No. 635—An Act to amend section fifty-eight of the Code of Civil Procedure;

Also, Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds;

And that the same were, on the nineteenth day of March, eighteen hundred and seventy-four, at twelve o'clock and forty-five minutes P. M., delivered to the Governor, for his approval.

KNOX, for Committee.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 102—An Act to amend the Code of Civil Procedure;

Also, Senate Substitute for Assembly Bill No. 439—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims;

Also, Assembly Bill No. 662—An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two;

And that the same have, this twentieth day of March, eighteen hundred and seventy-four, at twelve o'clock and forty minutes P. M., been delivered to the Governor, for his approval.

HAY, Chairman.

#### RESOLUTIONS.

By Mr. Paulsell:

*Resolved*, That the Engrossing Clerk be authorized to sectionize Assembly Bill No. 446, and insert the same in the bill.

Adopted.

By Mr. Snyder:

*Resolved*, That the Committee on Printing be instructed to report back, forthwith, Assembly Bill No. 565—An Act to provide for the payment of certain indebtedness of the State to the late State Printer.

Adopted.

By Mr. Burt:

*Resolved*, That the Committee on Rules and Employés be authorized and required to inquire into the compensation allowed H. S. Foote, as clerk of the Committee on Claims, and phonographic reporter for the Committee on Public Buildings and Grounds, and Committee on City Hall Investigation.

Adopted.

#### SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 304—An Act to regulate rates of charges on telegraph lines in this State.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Snyder, Terrill, and Cowdery, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bryan, Burt, Byers, Coggins, Cowdery, Cressler, Fahey, Ferguson, Gilmore of Calaveras, Gray, Hurlburt, Kercheval, Knox, Long, McBride, Murphy, Patterson, Pelham, Russell, Simpson, Snyder, Swift, Terrill, and Mr. Speaker—26.

**NOES**—Messrs. Ables, Bowers, Bradley, Canfield, Clark, Davis, Escandon, Franck, Freeman, Giffen, Hammitt, Hay, Howe, Ingham, McCallum, Meyers, Miller, Northcutt, Paulsell, Peek, Pishon, Rea, Rogers, Roush, Simpers, Stowers, Thomas, Tully, Vandall, Venable, Welch, Williams, and Winchell—33.

Mr. Bowers gave notice that he would, to-morrow, move to reconsider the vote by which the House, to day, refused to engross the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Welch—An Act to provide for the construction of a railroad from Suisun, in the County of Solano, to Lakeport, in the County of Lake, and to regulate fares and freights thereon.

Read first and second times, and referred to the Committee on Corporations.

By Mr. McCallum—An Act amendatory of an Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two.

Read first and second times, and ordered on File.

Also, an Act to provide for the preservation of the material of the Geological Survey of California.

Read first and second times, and ordered on File.

By Mr. Tully—An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito.

Read first and second times, and ordered on File.

By Mr. Venable—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness.

Read first and second times, and referred to the Los Angeles delegation.

By Mr. Cowdery—An Act abolishing the City Hall Commissioners of the City of San Francisco, and providing for the construction of the building.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Williams—An Act to add a section to the Code of Civil Procedure of the State of California, providing for continuing actions against estates commenced in the lifetime of decedents.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Cowdery—An Act authorizing and empowering the Board of Supervisors of the City and County of San Francisco to provide for watering the streets and roads of said city and county.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Cressler—An Act to provide for the collection of certain unpaid taxes in the County of Modoc.

Read first and second times, by unanimous consent rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Swift—An Act to regulate the salary of the District Judge of the Third Judicial District.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Burt—An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff ex officio Tax Collector.

Read first and second times, by unanimous consent rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Amerman—An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock.

Read first and second times, by unanimous consent rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORTS.

Reports were submitted as follows:

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Substitute for Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure—said bill having been ordered engrossed out of its regular order.

BRADLEY, Chairman.

By Mr. Vandall:

MR. SPEAKER: Your Committee on Public Printing herewith report back to the House Assembly Bill No. 565—An Act to provide for the payment of certain indebtedness of the State to the late State Printer. Your committee, by a majority vote, decided that the time to the close of the present session is too limited to investigate the claims sought to be paid by the provisions of this bill, and, therefore, beg to report the same back without recommendation.

VANDALL, Chairman.

By Mr. Northcutt:

MR. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two—beg leave to report the same back, and recommend that the Assembly do not recede from its amendment.

NORTHCUTT, for Delegation.

Adopted.

The Speaker appointed Messrs. Northcutt, Miller, and Long as a Committee of Conference, on the part of the Assembly, on the disagreeing vote of the two Houses on the bill above reported.

#### RESOLUTIONS.

By Mr. Gurnett:

*Resolved*, That the Clerk be and he is, hereby directed to immediately transmit Senate Bill No. 346 to the Senate.

Adopted.

By Mr. Freeman:

*Resolved*, That A. F. Thompson be and he is hereby allowed the sum of sixty dollars, for services rendered after the close of the nineteenth session of the Legislature, to wit: from the thirty-first day of March to the tenth day of April, eighteen hundred and seventy-two, as Journal Clerk of the Assembly, payable out of the appropriation for the contingent expenses of the Assembly.

Referred to the Committee on Claims.

#### GENERAL FILE.

Assembly Bill No. 396—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

[Speaker pro tem., Mr. Howe, in the chair.]

Assembly Bill No. 429—An Act to regulate freight on railroads in the State of California, when shipped by the carload.

Amended, rules suspended, bill considered engrossed, read a third time, and, on its passage, the ayes and noes were demanded by Messrs. Bowers, Snyder, and Terrill, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Bradley, Bryan, Burt, Canfield, Coggins, Cowdery, Davis, Fahey, Franck, Freeman, Freidenrich, Gray, Hamill, Heald, Howe, Hurlburt, Ingham, Kercheval, Knox, Long, Meyers, Miller, Murphy, Norton, Patterson, Paulsell, Pelham, Rea, Rogers, Roush, Russell, Simpser, Simpson, Stowers, Summers, Swift, Terrill, Tully, Vandall, Welch, Wickware, Williams, Winchell, and Mr. Speaker—45.

NOES—Messrs. Barton, Bowers, Carter, Clark, Cressler, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hay, McBride, McCallum, Northup, Peek, Pishon, Snyder, Thomas, and Venable—20.

Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda, in the County of Alameda.

Senate substitute adopted, read a third time, and passed.

[Speaker in the chair.]

Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 278—An Act to amend the Political Code, concerning the delinquency of taxes.

Passage refused.

Senate Joint Resolution No. 31—relative to the appointment of a Commission to ascertain and report the amount of property destroyed by Captain Jack's band of Modocs, and to whom it belonged.

Read a third time, and passed.

Assembly Bill No. 404—An Act to provide for the sale of the land acquired by the State of California in pursuance of an Act to provide additional grounds for the Capitol building, in the City of Sacramento,

approved April first, eighteen hundred and seventy-two, and sale of building known as the Governor's Mansion.

Indefinitely postponed.

Assembly Bill No. 542—An Act relating to the assessment of non-resident and unimproved land in the State of California.

Mr. Bowers offered the following amendment: amend section one to read as follows:

"Section 1. The County Assessor of each county shall assess all unimproved land, and all uninclosed land, at the same value per acre as improved land and cultivated and inclosed land, of like quality, in same township, shall be assessed at per acre."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Bowers, Murphy, and McBride, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Barton, Bowers, Bryan, Canfield, Carter, Coggins, Davis, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Hay, Heald, Howe, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, Meyers, Miller, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Simperts, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tully, Venable, and Winchell—46.

NOES—Messrs. Aldrich, Bradley, Burt, Cowdery, Freeman, Freidenrich, Gilmore of El Dorado, McCallum, Norton, Rogers, Roush, Russell, Tinnin, Vandall, Welch, Williams, and Mr. Speaker—17.

Mr. Paulsell gave notice that he would, on to-morrow, move to reconsider the vote by which the amendment was adopted.

[Speaker pro tem., Mr. Howe, in the chair.]

Amended, and on the engrossment of the bill, the ayes and noes were demanded by Messrs. Bowers, Norton, and Snyder, and the House so ordered, by the following vote:

AYES—Messrs. Barton, Bowers, Canfield, Carter, Clark, Coggins, Davis, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Heald, Kercheval, Knox, Long, McBride, Meyers, Miller, Murphy, Northcutt, Norton, Parker, Patterson, Peek, Pelham, Pishon, Simperts, Snyder, Stowers, Summers, Swift, Terrill, Tully, Venable, Welch, and Winchell—40.

NOES—Messrs. Ables, Aldrich, Amerman, Bradley, Bryan, Burt, Cowdery, Freeman, Freidenrich, Howe, Hurlburt, McCallum, Northup, Paulsell, Rogers, Roush, Russell, Simpson, Tinnin, Vandall, Williams, and Mr. Speaker—22.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Tinnin, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## REPORTS.

By Mr. Thomas:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Assembly Bill No. 655—An Act supplementary to and amendatory of an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six—would report the same back, and recommend its passage.

THOMAS, for Delegation.

Assembly Bill No. 655, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 625—An Act declaring the force and effect of the provisions of the Political Code concerning the office of District Attorney in El Dorado County, and granting to G. J. Carpenter, District Attorney, of said county, temporary leave of absence from the State—was taken up, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Mr. Thomas had leave to introduce a report relative to the acoustics of the Assembly Chamber, which was referred to a select committee of five, to be appointed to morrow.

## MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 495—An Act in relation to the county officers of Santa Clara County, their fees and salaries.

Also, passed Assembly Bill No. 480—An Act for the completion of the Napa State Asylum for the Insane.

Also, passed Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 20th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 479—An Act to amend an Act entitled an Act to declare navigable Arroyo de San Antonio, or Keys Creek, in Marin County, approved March twenty-eighth, eighteen hundred and seventy.

Also, Assembly Bill No. 649—An Act authorizing Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 495, above reported, read a third time, and passed.  
Senate Bill No. 479, above reported, read a third time, and passed.

#### RESOLUTION.

Mr. Ferguson had leave to introduce the following resolution:

*Resolved*, That the Sergeant-at-Arms be instructed to arrest and safely keep Charles P. Converse, subject to the order of this House, and that a committee of five be appointed to investigate charges made against said Charles P. Converse.

Referred to the Judiciary Committee, with instructions to report immediately as to the powers of the House in the premises.

Mr. Williams made a verbal report in behalf of the Judiciary Committee, to the effect that members who had knowledge pertinent to the resolution, should make statements thereof, that the House might judge whether an offense had been committed.

In pursuance of the above report, the following statements were submitted:

#### STATEMENT OF MR. PARKER.

That Charles P. Converse did falsely represent himself to be the duly authorized and accredited agent or broker of J. E. Parker, a member of this House; and as such agent, the said Converse solicited and attempted to obtain from Grove L. Johnson and a Mr. Clark, the sum of five hundred dollars, with which to procure a change in the position of said member upon a certain bill then pending; and said Converse represented that he was sent to obtain said sum for such purpose. That said Converse further approached a Mr. Cogswell, and demanded of him the sum of two hundred and fifty dollars, or otherwise he would cause the defeat of a certain bill in which said Cogswell was interested. Said Converse also demanded of Creed Haymond the sum of two hundred dollars, which sum was to secure a favorable consideration of a certain bill on the part of two members of the Judiciary Committee.

J. E. PARKER.

#### STATEMENT OF MR. FERGUSON.

I fully concur with the statement of Mr. Parker as to the evidence before the Swamp Land Investigation Committee, relative to C. P. Converse trying to obtain money on Mr. Parker's vote. I also was informed by said Converse, some weeks ago, that he was paid a sum of money by the settlers of Mussel Slough, in Tulare County, to use his influence in the Legislature relative to the "No-Fence Law;" that Creed Haymond informed me that said Converse had endeavored to obtain money from



him to get a favorable report from the Judiciary Committee on the bill to pay the salaries of the Code Commissioners.

J. W. FERGUSON.

STATEMENT OF MR. BOWERS.

On Wednesday or Thursday, the eighteenth or nineteenth of March, eighteen hundred and seventy-four, Mr. Cogswell, the portrait painter, said to me substantially as follows: "This man Converse said, I (meaning Cogswell) had better compromise the matter and pay him two hundred and fifty dollars, or he (meaning Converse) would get his (Cogswell's) bill making appropriations for the purchase of the six portraits, put over and beaten." Mr. Cogswell said further, he "was afraid the said Converse might persuade some member to make a motion to delay the bill, as he had not and would not pay him anything."

W. W. BOWERS.

STATEMENT OF MR. KERCHEVAL.

I was called out, at an early hour this morning, to be present at the examination of certain persons in regard to improper influences being used by outside parties in legislation. Grove L. Johnson was examined, and made statements that one Converse stated that for five hundred dollars he could get Mr. Parker, a member of this House, to draw out and not support Assembly Bill No. 199, and could defeat the bill for that amount, but he (Johnson) refused to give him anything. Also, Mr. Clark stated to me that the accused made the same proposition to him, which he (Clark) refused.

R. KERCHEVAL.

STATEMENT OF MR. TINNIN.

While in my seat, during the session of the House on Wednesday morning, March eighteenth, eighteen hundred and seventy-four, a Page of this House (Master Craig) brought me a note, written with pencil, asking me to have passed on the File Senate Bill No. 358. Said note was signed "Converse."

W. J. TINNIN.

REPORT.

By Mr. Williams:

WHEREAS, It appears from testimony taken and entered in the Journal of the Assembly, that Charles P. Converse has, at various times during the twentieth session of the Legislature, made assertions that he would and could corruptly control and influence the action of members, and a committee of the Assembly, which assertions were false, scandalous, and malicious, tending to defame the Assembly of California, and to bring them into contempt and disrepute, and to excite against them the hatred of the good people of the State of California; be it, therefore,

*Resolved*, That said statements were a high breach of the privilege of the Assembly.

Adopted.

The resolution of Mr. Ferguson, above recited, ordering the arrest of Charles P. Converse, was then adopted.

GENERAL FILE RESUMED.

Assembly Bill No. 533—An Act relating to roads and highways in the County of Shasta.

Withdrawn by its author.

Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole.

On motion of Mr. Clark, the committee arose, reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 541, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

GENERAL FILE RESUMED.

Senate Bill No. 375—An Act for the relief of David C. Norcross Sheriff of San Luis Obispo County.

Read a third time, and passed.

Senate Bill No. 384—An Act authorizing the Trustees of Santa Barbara School District, of the County of Santa Barbara, to issue bonds of said district for school purposes.

Read a third time, and passed.

Senate Bill No. 442—An Act to authorize and empower the Board of Supervisors of the County of Trinity to fix the rate of tolls on certain wagon roads.

Read a third time, and passed.

Senate Bill No. 440—An Act to separate the office of County Recorder from the office of County Clerk, and to regulate the salaries of certain officers in the County of Merced.

Read a third time, and passed.

Senate Bill No. 447—An Act amendatory of and supplementary to an Act entitled an Act to provide for the building of a school house in Merced School District, in the County of Merced, State of California, approved February eighteenth, eighteen hundred and seventy-four.

Read a third time, and passed.

Assembly Bill No. 642—An Act to authorize the Mayor and Council of Salinas City to build a school house, and to provide for a department in said city, to issue bonds therefor, and to provide for the payment of the same.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 671—An Act to authorize the Board of Supervisors of Monterey County to build a Court House and jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 674—An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 677—An Act to increase the revenue of the City of Oakland from wharfage.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 315—An Act to quiet title to certain salt marsh and tide lands in Contra Costa County.

Read a third time, and passed.

Senate Bill No. 402—An Act to incorporate the City of San Diego.

Read a third time, and passed.

Senate Bill No. 445—An Act to establish and define the powers and duties of the Board of Education of Nevada School District, in the County of Nevada, the said district including Nevada City.

Read a third time, and passed.

Senate Bill No. 403—An Act concerning the records and papers of the Clerk's office of the County of Sacramento.

Passage refused.

Senate Bill No. 415—An Act providing for the ascertainment and settlement of the claim, if any he has, of John Domingos, for services performed on and material furnished in the construction, improvement, and repair of the Sacramento Drainage Canal.

Read a third time, and passed.

Assembly Bill No. 546—An Act relating to taxation in the City of Sacramento.

Passage refused.

Assembly Bill No. 587—An Act to fund the accrued interest on the bonds issued by the City and County of Sacramento for city indebtedness.

Engrossment refused.

Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County, now constituting Ventura County.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 599—An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 645—An Act for the protection of coal mines and coal miners.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 513—An Act to amend section three thousand eight hundred and sixty-six of the Political Code.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 274—An Act in relation to the revision of the laws.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Gray, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 274, above reported, read a third time, and passed.

Assembly Bill No. 574—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 638—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the State.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 99—An Act to appropriate money to complete the State Normal School building, and for the improving of the grounds.

Assembly Bill No. 527—An Act to increase the compensation of the Assistant Sergeant-at-Arms of the Senate and Assembly.

Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year.

Assembly Bill No. 597—An Act to settle certain claims against the State.

Assembly Bill No. 601—An Act making an appropriation for improvements in the Yosemite Valley.

The House went into Committee of the Whole for the consideration of the five bills.

[Mr. Howe in the chair.]

The bills were considered in Committee of the Whole, when the committee arose and reported the bills back, as follows: Senate Bill No. 99, passage recommended; Assembly Bill No. 527, passage recommended; Assembly Bill No. 254, passage recommended; Assembly Bill No. 597, do not pass; Assembly Bill No. 601, indefinite postponement.

## IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 99, above reported, amendments recommended by committee adopted, read a third time, and passed.

Assembly Bill No. 527, above reported, on the engrossment the ayes and noes were demanded by Messrs. Burt, Vandall, and Paulsell, and the House refused, by the following vote:

AYES—Messrs. Barton, Bowers, Byers, Byrnes, Canfield, Escandon, Fabey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hamill, Howe, Ingham, Kercheval, Long, McCallum, Northcutt, Patterson, Peek, Simpers, Simpson, Stowers, Tully, and Welch—26.

NOES—Messrs. Aldrich, Amerman, Bradley, Bryan, Burt, Carter, Clark, Coggins, Cowdery, Cressler, Davis, Freeman, Freidenrich, Gurnett, Hammitt, Hay, Heald, Hurlburt, Klotz, Knox, McBride, Moyers, Miller, Murphy, Northup, Norton, Parker, Paulsell, Pishon, Rea, Rogers, Roush, Russell, Swift, Terrill, Tinnin, Thomas, Vandall, Venable, Wickware, Williams, Winchell, and Mr. Speaker—43.

Assembly Bill No. 254, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 597, above reported, indefinitely postponed.

Assembly Bill No. 601, above reported, ordered passed on the File.

## RESOLUTION.

By Mr. Tully:

*Resolved*, That the Committee on Counties and County Boundaries be allowed to employ a clerk, at five dollars per diem, payable out of the Contingent Fund of this House.

Adopted.

At nine o'clock and twenty minutes P. M. the Assistant Sergeant-at-Arms presented before the bar of the House, Charles P. Converse, under arrest in pursuance of a resolution of the House. The statements of Messrs. Parker, Ferguson, Bowers, Kercheval, and Tinnin, hereinbefore set forth, were read to the prisoner, who was then informed by the Speaker that he would be permitted, if in his power, to make an explanation, or to select a member to appear as counsel for him. The prisoner elected to appear by counsel to-morrow, whereupon he was ordered into the custody of the Sergeant-at-Arms of the House, to be arraigned before the bar of the House at eleven o'clock A. M. to-morrow.

## REPORTS.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor—return the same herewith, and recommend that it pass.

SWIFT, Chairman.

Mr. Tinnin had leave to make the following report:

Mr. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 572—An Act for the relief of John Timmins—beg leave to report that they have carefully considered said bill, and respectfully report it back, with the recommendation that it be indefinitely postponed.

Your committee have also considered Assembly Bill No. 626—An Act to pay certain claims for services as witnesses summoned on behalf of the State—and beg leave to report the same back, with the recommendation that it do not pass.

TINNIN, Chairman.

Assembly Bill No. 572, above reported, indefinitely postponed.  
Assembly Bill No. 626, above reported, passage refused.

#### GENERAL FILE RESUMED.

Assembly Bill No. 507—An Act to amend certain sections of the Political Code in relation to collection of poll taxes.

Made the special order for to-morrow, at three o'clock P. M.

Assembly Bill No. 607—An Act to compel the proper observance of the laws of the State of California by public officers.

Made the special order for to-morrow, at three o'clock P. M.

Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor—was taken up, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real and personal estate within the limits of California.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 632—An Act to add a section to the Penal Code of California, to punish persons for using unstamped weights and measures. Engrossment refused.

#### REPORT.

Mr. Kercheval had leave to make the following report:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 634—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation—beg leave to report that they have considered the same, and report it back with an amendment, and recommend its passage as amended.

KERCHEVAL, Chairman.

#### INTRODUCTION OF BILL.

Mr. Parker had leave to introduce the following bill: An Act to add another section to the Penal Code.

Read first and second times, and referred to the Judiciary Committee.

## RESOLUTION.

Mr. Paulsell had leave to introduce the following resolution:

WHEREAS, This House did, on this twentieth day of March, adopt a resolution authorizing the Committee on Counties and County Boundaries to send for persons and papers; and whereas, the wording of such resolution is such that it may be construed so as to make the State responsible for witness fees; therefore, be it

*Resolved*, That no person summoned by the Committee on Counties and County Boundaries, as a witness in the matter of the division of Solano County, shall be entitled to any witness fees or mileage for their attendance before the committee.

Adopted.

Substitute for Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado—was taken up out of its order.

Pending consideration of the bill, at ten o'clock and ten minutes P. M., the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, March 21st, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were made as follows:

By Mr. Franck:

MR. SPEAKER: The Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 6—to cheapen telegraphic communication—report the same back, and recommend that it do not pass.

FRANCK, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 654—An Act concerning State Harbor Commissioners, and for other purposes.

Also, Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of San Francisco.

Also, Assembly Bill No. 686—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Also, Assembly Bill No. 646—An Act supplemental to an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code.

Also, Assembly Bill No. 647—An Act amendatory to an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow.

Also, Assembly Bill No. 239—An Act to provide for the sale of the Codes, Statutes Continued in Force, and Reports of the Supreme Court.

Also, Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church, of the Town of Rohnerville, to reduce the number of Trustees.

Also, Assembly Bill No. 674—An Act to repeal an Act entitled an Act relative to public roads in Lake County, approved March eighth, eighteen hundred and sixty-six.

BRADLEY, Chairman.

By Mr. Long:

MR. SPEAKER: The Tuolumne delegation, to whom was referred Senate Bill No. 394—An Act to provide for the payment of certain road indebtedness of Tuolumne County—have considered the same, and beg leave to return it, and recommend its passage as amended.

LONG, for Delegation.

By Mr. Venable:

MR. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 680—making Senate Bill No. 127 supplemental to Assembly Bill No. 172—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

VENABLE, for Delegation.

By Mr. Venable:

MR. SPEAKER: The Los Angeles delegation, to whom was referred Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness—have had the same under consideration, and beg leave to report it back, and recommend its passage.

VENABLE, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 20th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly



Bill No. 517—An Act concerning roads and highways in the County of Yolo.

Also, Assembly Bill No. 236—An Act to quiet title to certain lands in Yolo County.

Also, Assembly Bill No. 406—An Act to define the boundary, provide for the care, strengthening, and repairing of the levee, and for the payment of the indebtedness of Levee District Number One of Sutter County.

Also, Assembly Bill No. 635—An Act to amend section fifty-eight of the Code of Civil Procedure.

Also, Assembly Bill No. 569—An Act authorizing the Board of Supervisors of Sierra County to levy taxes for county purposes, and for the payment thereof into certain Funds.

Also, Assembly Bill No. 494—An Act supplemental to and amendatory of an Act fixing the salaries of certain county officers in the County of Inyo, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 228—An Act to prohibit the collection of accounts for liquors sold at retail.

Also, Assembly Bill No. 495—An Act concerning the employment of teachers in Inyo and Mono Counties.

Also, Assembly Bill No. 321—An Act entitled an Act to amend an Act entitled an Act to provide for the payment of certain fees in the County of Butte, approved March twenty-fourth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 506—An Act concerning roads in the County of Butte.

Also, Assembly Bill No. 370—An Act to amend an Act entitled an Act regulating proceedings in Courts of record of Nevada County in certain cases, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 163—An Act for the more effectual prevention of cruelty to animals.

Also, Assembly Bill No. 535—An Act authorizing the Board of Trustees of Santa Cruz School District, in Santa Cruz County, to issue bonds to build a public school house.

NEWTON BOOTH,  
Governor.

#### APPOINTMENT OF COMMITTEES.

The Speaker announced the following as members of a Special Committee on Acoustics: Messrs. Thomas, Terrill, Hay, McBride, and Meyers.

The following were appointed a committee to examine into the charges against Charles P. Converse, to wit: Messrs. McCallum, Hill, Bradley, Long, and Paulsell.

#### REPORT.

By Mr. Rogers:

MR. SPEAKER: The Committee on Rules and Employés, to whom was referred a resolution, instructing them to inquire into the compensation allowed H. S. Foote, as clerk of the Committee on Claims, and phonographic reporter for the Committee on Public Buildings and Grounds and Committee on City Hall Investigation, respectfully report that they find that, according to the certificates of the Committee on Public Build-

ings and Grounds and the Committee on City Hall Investigation, Mr. Foote was employed by said committees sixty-four days, but that, by request of said committees, and for the purpose of speedily transcribing the phonographic notes, it became necessary to employ additional aid, and also required Mr. Foote to work additional hours during this time, thus making some twenty-two additional days service. Said committee also find that during the same time Mr. Foote was employed as clerk of the Committee on Claims, but that, during his absence with the Committee on Public Buildings and Grounds and Committee on City Hall Investigation, he did, with the consent of the Committee on Claims, substitute another person for the period of about thirty days, and that for the remaining time he attended personally to his duty as said clerk, said duties not interfering with the transcribing of his notes as phonographic reporter of the other committees. Said committee also find that it is necessary that an authorization by resolution should be made, for the purpose of paying for the additional service of said H. S. Foote, amounting to the sum of two hundred and seventeen dollars and fifty cents. They, therefore, recommend the adoption of the accompanying resolution. All of which is respectfully submitted.

ROGERS, for Committee.

*Resolved*, That H. S. Foote be allowed the sum of two hundred and seventeen dollars and fifty cents for payment of extra services rendered the Committee of Public Buildings and Grounds. The Controller of State is hereby authorized to draw his warrant, payable out of the Contingent Fund of the Assembly.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Amerman—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.

Read first and second times, and ordered on File.

By Mr. Canfield—An Act to legalize certain proceedings in Swamp Land Districts Numbers Sixteen, Forty-five, and Forty-eight, in Tulare County.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

By Mr. Hamill—An Act to amend section two hundred and fourteen of the Code of Civil Procedure of the State of California.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Gurnett—An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Read first and second times, and ordered on File.

By Mr. Heald—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine, approved April fourth, eighteen hundred and seventy.

Read first and second times, and ordered on the File.

By Mr. Tully—An Act to amend section eight hundred and two of the Penal Code.

Read first and second times, and ordered on File.

By Mr. Byrnes—An Act to incorporate the Town of San Mateo, to establish its boundaries, define its powers, and for other purposes.

Read first and second times, and referred to the San Mateo delegation.

#### GENERAL FILE.

Assembly Bill No. 479—An Act to amend section three thousand eight hundred and sixty of the Political Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 465—An Act to empower the County School Superintendents of the State to take part in the selection of text books.

Withdrawn by the author.

Assembly Bill No. 378—An Act to restrict gambling.

Withdrawn by the author.

#### SPECIAL ORDER.

At eleven o'clock A. M., the Speaker announced the special order to be the consideration of certain charges against Charles P. Converse.

Mr. Converse appeared and made a statement, when, on motion of Mr. Williams, further hearing of the matter was referred to the committee heretofore appointed to investigate the subject, and Mr. Converse was remanded to the custody of the Sergeant-at-Arms.

#### RECONSIDERATION.

Pursuant to notice, Mr. Swift moved to reconsider the vote by which the House, yesterday, concurred in Senate amendments to Assembly Bill No. 32.

Mr. Murphy moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Coggins, Barton, and Vandall, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Bowers, Byrnes, Canfield, Carter, Clark, Davis, Escandon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammutt, Hill, Howe, Hurlburt, Ingham, Klotz, McCallum, Morgan, Murphy, Northup, Norton, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, Venable, and Williams—42.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Coggins, Cowdery, Cressler, Freeman, Freidenrich, Hamill, Heald, Kercheval, Knox, Long, McBride, Meyers, Miller, Paulsell, Roush, Simpson, Swift, Terrill, Vandall, and Winchell—26.

#### REPORTS.

Mr. Norton had leave to make the following report:

Mr. SPEAKER: The Special Committee on the Political Code, to whom was referred Senate Bill No. 473—An Act to fix the salary of the County

Recorder of the County of Placer—report it back with amendments, and recommend its passage.

Also, Assembly Bill No. 664—An Act to amend section two thousand seven hundred and twenty-five of the Political Code—report it back with amendment, and recommend its passage.

Also, Assembly Bill No. 589—An Act to amend section four thousand and twenty-seven of the Political Code—report it back with amendments, and recommend its passage.

Also, Assembly Bill No. 561—An Act to amend section six hundred and seventy-nine of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 576—An Act to amend sections one thousand and twenty-eight, four thousand three hundred and thirty-three and two thousand two hundred and twenty-one of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 250—An Act to amend the Political Code in relation to Notaries Public—report it back, and recommend that it do not pass.

Also, Assembly Bill No. 407—An Act to amend section two thousand eight hundred and fifty-three of the Political Code relative to the establishing of ferries and toll bridges—report it back, and recommend that it do not pass.

NORTON, Chairman.

Senate Bill No. 743, above reported, read a third time, and passed.

Mr. Norton had leave to make the following report:

MR. SPEAKER: Your Committee on Elections, whose duty it is to examine and report upon the certificates or other credentials of the members of this House, respectfully submit the following as their report:

That they have carefully examined such credentials, and have found them to be correct, and in accordance with the provisions required by law, and they hereby return the same to the House.

NORTON, Chairman.

#### RESOLUTION.

Mr. Amerman had leave to introduce the following resolution:

*Resolved*, That the resolution heretofore adopted, suspending Standing Rule Number Seventy until the last day of the session, be and the same is hereby reconsidered.

Laid over, under the rules, for one day.

#### REPORT.

Mr. Murphy had leave to make the following report:

MR. SPEAKER: The Committee of Free Conference, to whom was referred the disagreeing vote of the Senate and Assembly on Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California—have had the same under consideration, and now beg leave to report as follows: We advise,

First—That the Assembly concur in the Senate amendment to said bill, except the fifth section thereof.

Second—That the bill be then amended, by striking out said fifth section thereof and inserting the accompanying matter in lieu thereof.

MURPHY,  
PAULSELL,  
COWDERY,  
Assembly Committee.

LAINE,  
TUTTLE,  
DYER,  
Senate Committee.

Substitute for Assembly Bill No. 88, above reported, made the special order for Thursday next, at one o'clock P. M.

Substitute for Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado—was taken up out of its order, rules suspended, bill considered engrossed, read a third time, and passed.

#### GENERAL FILE RESUMED.

Senate Concurrent Resolution No. 54—in behalf of Charles M. Blake, late Chaplain of the United States Army.

Read a third time, and passed.

Senate Bill No. 363—An Act concerning submarine sites for light-houses and other aids to navigation on the coast of this State.

Read a third time, and passed.

Senate Bill No. 239—An Act to amend section forty-two hundred and thirty-four of the Political Code.

Passage refused.

Assembly Bill No. 588—An Act in relation to warehouse and wharf-inger receipts, and other matters pertaining thereto.

Amended, and ordered engrossed.

Mr. Cowdery gave notice that he would, to-morrow, move to reconsider the vote by which the bill was ordered engrossed.

Assembly Bill No. 643—Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127, and 232—proposed amendments to the Constitution of the State of California.

Ordered to the head of the File for Tuesday next.

Senate Bill No. 349—An Act to authorize the Controller to issue duplicate warrants.

Read a third time, and passed.

Senate Bill No. 352—An Act to authorize the State Controller to issue a duplicate warrant.

Read a third time, and passed.

Assembly Bill No. 644—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

On a motion to pass the bill on the File, the ayes and noes were demanded by Messrs. Coggins, Barton, and Kercheval, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bowers, Bradley, Byers, Canfield, Carter, Cowdery, Cressler, Franck, Freeman, Freidenrich, Gurnett, Hammitt, Hay, Heald, Hill, Howe, Knox, Meyers, Northup, Paulsell, Pelham, Simpson, Swift, Tully, Vandall, and Venable—28.

**NOES**—Messrs. Amerman, Barton, Bryan, Burt, Clark, Coggins, Davis, Fahey, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Miller, Morgan, Murphy, Patterson, Peek, Pishon, Rea, Rogers, Roush, Russell, Snyder, Summers, Terrill, Tinnin, Welch, Williams, Winchell, and Mr. Speaker—37.

The bill was ordered to the head of the File for Monday next.

Assembly Bill No. 614—An Act to amend section three thousand three hundred and eighty-four of the Political Code of the State of California.

Indefinitely postponed.

Senate Joint Resolution No. 50—concerning the improvement of the harbor of Oakland.

Pending the consideration of the bill, at twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Mr. Chandler, and to Mr. Welch for one day.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of Substitute for Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure.

Pending consideration of the bill, on motion of Mr. Cowdery, a call of the House was had.

The Clerk called the roll, a number of absentees came in or were excused, when further proceedings under the call were dispensed with.

On motion of Mr. Cowdery, the bill was recommitted to the Chief Clerk, with instructions to make a certain amendment, and report forthwith.

On the passage of the bill as amended, the ayes and noes were demanded by Messrs. Coggins, Gray, and Clark, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Byers, Byrnes, Canfield, Coggins, Cowdery, Cressler, Davis, Escandon, Franck, Freidenrich, Ferguson, Giffen, Hamill, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Ingham, Meyers, Murphy, Northup, Norton, Patterson, Pelham, Pishon, Rea, Rogers, Swift, Terrill, Tinnin, Thomas, Vandall, Venable, Wickware, Williams, and Mr. Speaker—40.

**NOES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Burt, Carter, Clark, Fahey, Freeman, Gilmore of Calaveras, Gilmore of El

Dorado, Gray, Gurnett, Kercheval, Klotz, Knox, Long, Miller, Morgan, Paulsell, Peek, Roush, Russell, Simpser, Simpson, Summers, and Winchell—28.

Mr. Coggins gave notice that he would, to-morrow, move to reconsider the vote by which the House, to-day, passed the bill.

On motion of Mr. Amerman, Senate Joint Resolution No. 50 was made the special order for Monday next, at two o'clock P. M.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 21st, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 422—An Act to organize the Board of Supervisors, and to define their duties and powers, in the County of El Dorado.

Also, passed Senate Bill No. 412—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof.

Also, passed Senate Bill No. 453—An Act to amend section thirty-two hundred and ninety-two of the Political Code.

Also, passed Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates.

Also, passed Senate Bill No. 448—An Act to amend section six hundred and sixty of the Civil Code.

Also, passed Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, passed Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing affecting certain real estate in Colusa County.

Also, passed Senate Bill No. 316—An Act to amend certain sections and to repeal certain sections of the Political Code, relating to the government of the State Normal School.

Also, Senate Bill No. 485—An Act to amend an Act entitled an Act to authorize the construction of a swing or drawbridge across the San Antonio Creek, within the County of Alameda, approved April fourth, eighteen hundred and seventy.

Also, yesterday, amended and passed Assembly Bill No. 573—An Act to amend an Act entitled an Act to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, on this day, passed Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, passed Senate Bill No. 183—An Act to remove from Henry

Meiggs certain legal disabilities—and ordered the same transmitted without engrossment.

Also, passed Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory of and supplementary thereto, and for other purposes—and ordered the same transmitted without engrossment.

Also, that the Senate concurred in Assembly amendments to Senate Bills Nos. 99 and 415.

Also, appointed as Committee of Conference on Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma—Senators Irwin, Tuttle, and Goodale.

Also, appointed as Committee of Conference on Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four—Senators Neff, Pendegast, and Martin.

Also, indefinitely postponed Assembly Bill No. 42—An Act to provide for the location, construction, and maintenance of public roads in Lake County.

Also, adopted Senate Concurrent Resolution No. 60—recommending certain persons to the Governor for pardon.

Also, amended and passed Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Also, passed Assembly Bill No. 524—An Act for the relief of T. P. Riordan.

Also, passed Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature.

Also, passed Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned in behalf of the State.

CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 422, above reported, read first and second times, and referred to the El Dorado delegation.

Senate Bill No. 412, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 453, above reported, read first and second times, and referred to the Special Committee on Political Code.

Senate Bill No. 450, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 448, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 334, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 456, above reported, read first and second times, and referred to the Colusa delegation.



Senate Bill No. 316, above reported, read first and second times, and referred to the Committee on Education.

Senate Bill No. 485, above reported, read first and second times, and referred to the Alameda delegation.

Assembly Bill No. 573, above reported, Senate amendments concurred in.

Senate Bill No. 183, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 491, above reported, read first and second times, and ordered on File.

Senate Concurrent Resolution No. 60, above reported, amended by striking out the name of I. E. Brokaw, and the resolution was then laid on the table.

Assembly Bill No. 501, above reported, Senate amendment concurred in.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Norton, the committee arose, reported the bill back, and recommended that the rules be suspended, and the bill put on its final passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Mr. Cowdery moved to amend section fourteen so as to submit the question to the people of the State, "Whether the aid provided in the bill shall be rendered;" on which the ayes and noes were demanded by Messrs. Cowdery, Freidenrich, and Aldrich, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Coggins, Cowdery, Davis, Franck, Freidenrich, Hammitt, Kercheval, Knox, McCallum, Murphy, Paulsell, Rea, Swift, Wickware, and Mr. Speaker—16.

**NOES**—Messrs. Ables, Amerman, Barton, Bowers, Burt, Byers, Canfield, Carter, Clark, Cressler, Escandon, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hay, Heald, Hill, Howe, Hurlburt, Ingham, Klotz, Long, McBride, Miller, Morgan, Northup, Norton, Patterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Williams, and Winchell—51.

The rules were suspended, the bill considered engrossed, and, on the passage of the bill, the ayes and noes were demanded by Messrs. Coggins, Heald, and Aldrich, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bowers, Burt, Byers, Canfield, Carter, Clark, Davis, Escandon, Fahey, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Heald, Hill, Howe, Hurl-

burt, Ingham, Klotz, Long, McBride, Miller, Morgan, Northup, Norton, Patterson, Peek, Pelham, Pishon, Roush, Russell, Simpers, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Williams, and Winchell—48.

NOES—Messrs. Aldrich, Coggins, Cowdery, Cressler, Franck, Freidenrich, Hammitt, Hay, Kercheval, Knox, McCallum, Murphy, Paulsell, Rea, Rogers, Simpson, Swift, Wickware, and Mr. Speaker—19.

#### RESOLUTION.

The following resolution, heretofore introduced by Mr. Miller, was taken from the table and adopted:

*Resolved*, That this House do meet each day at seven o'clock P. M. for business, until the File is cleared.

#### SECOND SPECIAL ORDER.

Assembly Bill No. 507—An Act to amend certain sections of the Political Code, in relation to collection of poll taxes.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 607—An Act to compel the proper observance of the laws of the State of California by public officers.

Substitute adopted, rules suspended, bill considered engrossed, read a third time and passed, and title amended.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

Ordered second on the File for Monday next.

#### PETITION.

The Speaker presented a petition from citizens of Inyo County, relative to a no fence law.

Referred to the Committee on Agriculture.

#### INTRODUCTION OF BILL.

Mr. Hay had leave to introduce the following bill: An Act to repeal section five hundred and thirty-six of the Political Code, and to repeal an Act entitled an Act in relation to the State Printer, approved April first, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Political Code.

At four o'clock P. M., on motion of Mr. Gurnett, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## GENERAL FILE.

Assembly Bill No. 112—An Act to amend section eight hundred and ninety-one of the Code of Civil Procedure.

Indefinitely postponed.

Senate Bill No. 379—An Act to amend section three hundred and ninety-seven of the Penal Code.

Read a third time, and passed.

Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code.

Made the special order for Tuesday, at two o'clock P. M.

Assembly Bill No. 454—An Act to discourage drunkenness, and diminish crime and pauperism.

Passed on the File.

Assembly Bill No. 553—An Act in relation to stock roads.

Ordered third on the File for Monday next.

Assembly Bill No. 433—An Act to amend an Act entitled an Act for the protection of game, approved March twentieth, eighteen hundred and seventy-two.

Engrossment refused.

Assembly Bill No. 615—An Act to amend an Act entitled an Act to provide for the restoration and preservation of fish in the waters of this State, approved April second, eighteen hundred and seventy.

Engrossment refused.

Assembly Bill No. 489—An Act to regulate freightage and fares on railroads, establish a reasonable maximum of charges, prevent unjust discriminations and extortions, define the rights of passengers, and to regulate the business of all railroad corporations within this State.

Referred to the Committee on Corporations, with instructions to report on the fifth day of April.

Senate Bill No. 417—An Act to abolish the office of Architect of the State Capitol building.

Read a third time, and passed.

Assembly Bill No. 611—An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Estee, the committee arose, reported the bill back, and recommended its passage.

## IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 611, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

## RECONSIDERATION.

Mr. Gray moved to reconsider the vote by which the House, yesterday, refused to engross Assembly Bill No. 304—An Act to regulate rates of charges on telegraph lines in this State.

The motion to reconsider prevailed.

On the motion to order the bill engrossed, the ayes and noes were demanded by Messrs. Meyers, Ables, and McCallum, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Bradley, Bryan, Carter, Coggins, Cowdery, Fahey, Ferguson, Gilmore of Calaveras, Gray, Hurlburt, Kercheval, Knox, Long, McBride, Morgan, Murphy, Northup, Norton, Parker, Patterson, Snyder, Summers, Swift, Terrill, Venable, and Mr. Speaker—27.

**NOES**—Messrs. Ables, Aldrich, Amerman, Bowers, Clark, Davis, Franck, Freeman, Freidenrich, Gilmore of El Dorado, Gurnett, Hammitt, Hay, Howe, Ingham, McCallum, Meyers, Miller, Peek, Pishon, Rogers, Roush, Russell, Stowers, Tinnin, Vandall, Wickware, and Williams—28.

Senate Bill No. 409—An Act supplemental to and amendatory of an Act entitled an Act granting the right of way to the Yosemite Turnpike Road Company to construct a toll road over the Yosemite Grant, approved February seventeenth, eighteen hundred and seventy-four.

Read a third time, and passed.

Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

Ordered fourth on the File for Monday next.

Senate Bill No. 89—An Act to amend certain sections of an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two, concerning the publication of the reports of the Supreme Court.

Read a third time, and passed.

Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Passed on the File.

Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Freeman, the committee arose, reported the bill back, and recommended that it be ordered fifth on the File for Monday next.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 380, above reported, ordered fifth on the File for Monday next.

Assembly Bill No. 656—An Act to confer additional powers on municipal authorities in incorporate cities and towns in this State.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 178—An Act to provide for the proper distribution in the several County Treasuries of funds arising from the sale of swamp lands.

Amended, read a third time, and passed.

Assembly Bill No. 687—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Ordered sixth on File for Monday.

Assembly Bill No. 613—An Act amending certain sections of the Political Code, relative to the assessment of property for taxation.

Passed on the File.

Assembly Bill No. 629—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 650—An Act to provide for an equitable assessment of live stock pastured on the Sierra Nevada Mountains during the Summer months, and kept in the State of Nevada.

Engrossment refused.

Assembly Bill No. 601—An Act making an appropriation for improvements in the Yosemite Valley.

Indefinitely postponed.

Assembly Bill No. 678—An Act for the relief of R. G. Strong.

Withdrawn by the author.

Senate Bill No. 253—An Act for the relief of Catherine Connelly.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Freeman, the committee arose, reported the bill back, and recommended that it do not pass.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 253, above reported, read a third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Barton, Norton, and McCallum, and the House so ordered, by the following vote:

AYES—Messrs. Barton, Bowers, Bradley, Carter, Cowdery, Davis, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hay, Howe, Hurlburt, Ingham, Kercheval, Knox, McBride, Miller, Murphy, Northup, Peek, Russell, Stowers, Summers, Terrill, Tinnin, and Williams—32.

NOES—Messrs. Ables, Bryan, Canfield, Clark, Hammitt, Hill, Long, McCallum, Meyers, Norton, Rogers, Simpers, Snyder, Vandall, Venable, Wickware, and Mr. Speaker—17.

Mr. Tinnin gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed Senate Bill No. 253.

At nine o'clock and ten minutes P. M., on motion of Mr. Russell, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Monday, March 23d, 1874. }

The House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Journal of Saturday read and approved.

## RESOLUTION.

By Mr. Kercheval:

*Resolved*, That the Journal Clerk be allowed an assistant, to be paid the same per diem as allowed Journal Clerks.

Referred to the Committee on Rules and Employés.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 21st, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the nineteenth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 463—An Act to fix the compensation of the District Attorney and Assessors of Solano County.

Also, on this day, passed Assembly Bill No. 584—An Act concerning the office of District Attorney of the City and County of San Francisco.

Also, passed Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern to erect county buildings.

Also, passed Assembly Bill No. 623—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to holders of certain bonds.

Also, passed Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne.

Also, passed Assembly Bill No. 651—An Act ratifying and confirming the action of the Common Council of the City of Oakland for the relief of J. N. Bailey.

Also, passed Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County.

Also, passed Assembly Bill No. 681—An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county.

Also, amended and passed Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the County Recorder ex officio Auditor.

Also, amended and passed Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes.

Also, amended and passed Assembly Bill No. 591—An Act authorizing the County Auditor of the County of Santa Clara to provide himself with a seal.

Also, concurred in the report of the Committee of Conference on Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Also, on yesterday, adopted the report of the Committee of Conference on Assembly Bill No. 420.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 463, above reported, read first and second times, and referred to the Solano delegation.

Assembly Bill No. 591, above reported, Senate amendments concurred in.

Substitute for Assembly Bill No. 509, above reported, House refused to concur in Senate amendment.

Assembly Bill No. 637, above reported, Senate amendments concurred in.

#### RESOLUTION.

The following resolution, introduced by Mr. Amerman, on Saturday, was taken up and adopted:

*Resolved*, That the resolution heretofore adopted suspending Standing Rule Seventy until the last day of the session, be and the same is hereby reconsidered.

The House refused to suspend Standing Rule Number Seventy.

#### REPORT.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Assembly Bill No. 658—An Act respecting actions against railroad and mining corporations, and stockholders therein, in Justices' Courts—report it back, and recommend its passage.

Also, Assembly Bill No. 701—An Act to add another section to the Penal Code—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 641—An Act to add another section to the Penal Code—report it back, and recommend its passage.

Also, Assembly Bill No. 698—An Act to regulate the salary of the District Judge of the Third Judicial District—report it back with a substitute, and recommend the passage of the substitute.

Also, Assembly Bill No. 556—An Act to authorize C. H. Reynolds to sue the State of California, and provide for the payment of any judgment which he may obtain—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 704—An Act to amend section two hundred and fourteen of the Code of Civil Procedure of the State of California—report it back, and recommend that it be referred to the San Francisco delegation.

Also, Assembly Bill No. 289—An Act to license the business of underwriting, and to regulate the rates of premiums—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 388—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California, report it back, and recommend its passage.

Also, Assembly Bill No. 528—An Act concerning double assessments of property for taxes for the fiscal year—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 661—An Act authorizing and requiring the State Treasurer to commence and prosecute civil actions on behalf of the State of California, against certain Trustees of the State Normal School—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 296—An Act to provide for a permanent Law Commission—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 152—An Act to create the office of Bank Commissioner, and to prescribe his duties and powers—report it back, without recommendation.

Also, Assembly Bill No. 401—An Act in reference to foreign insurance companies doing business in this State—report it back, without recommendation.

Also, Assembly Bill No. 600—An Act to amend section thirty-five hundred and eighty-four of the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 390—An Act to abolish attorneys' fees and other charges in savings banks—report it back, and recommend its passage.

Also, Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates—report it back, with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State—report it back without recommendation.

Also, Senate Bill No. 146—An Act relative to apprentices and masters—report it back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code—report it back, and recommend its passage.

Also, Senate Bill No. 156—Proposed amendment to section twenty-one of Article XI of the Constitution of this State—report it back, and recommend its passage.

Also, Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure—report it back, and recommend that it be indefinitely postponed.

Also, Senate Bill No. 264—An Act relating to mutual beneficial and relief associations—report it back, and recommend its passage.

Also, Senate Bill No. 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code—report it back, with an amendment, and recommend its passage.

Also, Senate Bill No. 308—An Act to amend sections eight hundred



and forty-five and eight hundred and forty-nine of an Act entitled an Act to establish a Code of Civil Procedure—and recommend its passage.

Also, Senate Bill No. 398—An Act to add a section to the Political Code of the State of California, providing official custody for the bonds of County Clerks—report it back, and its passage recommended.

Also, Senate Bill No. 108—An Act to amend the Penal Code—report it back, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities—report it back, and recommend its passage.

Also, Assembly Bill No. 356—An Act prescribing what shall constitute a lawful and exclusive trademark or trade name, and defining what shall be deemed an infringement thereof, and providing for the due registration and protection of such trademarks and trade names, and further repealing all Acts and amendments to the same heretofore enacted concerning trademarks and trade names—report it back, without recommendation.

WILLIAMS, Chairman.

Assembly Bill No. 658, above reported, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 701, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 704, above reported, referred to the San Francisco delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cowdery—An Act to amend section five hundred and thirty-two of the Penal Code, and to add a new section to said Code.

Read first and second times, rules suspended by unanimous consent, bill considered engrossed, read a third time, and passed.

By Mr. Ingham—An Act to protect litigants, and others, in the publication of legal and other notices.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Rogers—An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco.

Read first and second times, rules suspended by unanimous consent, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Freeman—An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Russell—An Act to make an appropriation for fitting up the Governor's Mansion for the purpose of using portions thereof as a State Printing Office and State Armory.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Pishon—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State,

approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino.

Read first and second times, rules suspended by unanimous consent, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Meyers—An Act to confer additional powers upon the Board of Supervisors of the County of San Joaquin.

Read first and second times, and referred to the San Joaquin delegation.

#### REPORTS.

By Mr. Hurlburt:

Mr. SPEAKER: The Committee on Education, to whom was referred Senate Bill No. 405—An Act to enforce the educational rights of children—report the same back, and recommend its passage.

HURLBURT, for Committee.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving Santa Clara and Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two;

Also, Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to open and establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two;

Also, Assembly Bill No. 537—An Act to provide for the payment of a debt due M. Fitzgerald, from the Lake City School District, in Modoc County;

Also, Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in the repairing and refitting of the State Capitol;

Also, Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature April first, eighteen hundred and seventy-two;

Also, Assembly Bill No. 164—An Act to provide for the return to the State Treasurer, and for cancellation, of certain Controller's warrants;

Also, Assembly Bill No. 476—An Act to amend section three thousand three hundred and sixty-four of the Political Code;

Also, Assembly Bill No. 577—An Act to add another section to the Penal Code;

Also, Assembly Bill No. 423—An Act making appropriation for the purchase of apparatus for the State Normal School;

And that the same were, on the twenty-first of March, eighteen hundred and seventy-four, at ten o'clock and forty-five minutes A. M., transmitted to the Governor for his approval.

HAY, Chairman.

## RESOLUTION.

By Mr. Hay:

*Resolved*, That four additional members be added to the Committee on Enrollment.

Adopted.

## RECONSIDERATION.

Pursuant to notice, Mr. Coggins moved to reconsider the vote by which the House, on Saturday, passed Assembly Bill No. 15, on which motion the ayes and noes were demanded by Messrs. Coggins, Barton, and Russell.

Mr. Freidenrich moved to indefinitely postpone the motion to reconsider.

The roll was called, and the House indefinitely postponed the motion to reconsider, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Canfield, Cowdery, Davis, Escandon, Franck, Freidenrich, Ferguson, Hamill, Hammitt, Hay, Higbie, Howe, Hurlburt, Ingham, McCallum, Meyers, Murphy, Northup, Norton, Patterson, Pishon, Rogers, Swift, Tinnin, Thomas, Vandall, Venable, Wickware, Williams, and Mr. Speaker—32.

**NOES**—Messrs. Barton, Bradley, Bryan, Carter, Clark, Coggins, Fahey, Freeman, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Kercheval, Knox, Long, McBride, Miller, Morgan, Parker, Paulsell, Peek, Pelham, Roush, Russell, Simpers, Snyder, Stowers, Summers, and Welch—28.

## GENERAL FILE.

Assembly Bill No. 644—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

Passed on the File.

Senate Bill No. 158—An Act for the relief of John Hoagland and others.

At eleven o'clock and fifty-nine minutes A. M., on motion of Mr. Coggins, the time for recess was extended until the pending bill shall have been disposed of.

Mr. Coggins moved to amend, as follows: amend section two, by striking out all after the words "into said Sacramento River," and inserting the following: "the jury, or if a jury trial is waived, the Court, shall ascertain and find the amount of damage done to said property, as it existed at the time said diversion of the waters of the American River occurred, and judgment shall be rendered therefor; but neither the jury nor the Court shall award any damages for any improvements made, erected, or constructed after the channel of the American River had been changed by said Levee Commissioners."

On the adoption of which, the ayes and noes were demanded by Messrs. Coggins, Kercheval, and Freeman, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Bowers, Bryan, Canfield, Carter, Cowdery, Cressler, Fahey, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Hamill, Hammitt, Heald, Howe, Kercheval, McBride, McCallum, Miller, Parker,

Paulsell, Roush, Russell, Stowers, Swift, Thomas, Vandall, Welch, Wickware, and Mr. Speaker—31.

NOES—Messrs. Amerman, Barton, Bradley, Burt, Coggins, Davis, Escandon, Freeman, Giffen, Gilmore of El Dorado, Gurnett, Hay, Hill, Hurlburt, Ingham, Klotz, Long, Meyers, Morgan, Murphy, Northup, Norton, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Simpers, Simpson, Snyder, Summers, Tully, Venable, Williams, and Winchell—36.

On the passage of the bill, the ayes and noes were demanded by Messrs. Coggins, Kercheval, and Russell, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bradley, Byers, Clark, Davis, Escandon, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hay, Hurlburt, Ingham, Klotz, Long, Meyers, Morgan, Murphy, Northup, Norton, Patterson, Peek, Pelham, Pishon, Rogers, Simpson, Snyder, Summers, Terrill, Tully, Venable, Williams, and Winchell—35.

NOES—Messrs. Ables, Bowers, Bryan, Burt, Canfield, Carter, Coggins, Cowdery, Cressler, Fahey, Franck, Freidenrich, Ferguson, Hammitt, Heald, Hill, Howe, Kercheval, McBride, McCallum, Miller, Parker, Paulsell, Rea, Roush, Russell, Simpers, Stowers, Swift, Thomas, Vandall, Welch, Wickware, and Mr. Speaker—34.

Mr. Coggins gave notice that he would, to morrow, move to reconsider the vote by which the House, to-day, passed the bill.

At twelve o'clock and fifteen minutes P. M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M

Speaker in the chair.

Roll called, and a quorum present.

#### REPORT.

Mr. Swift had leave to make the following report:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 631—An Act to ratify certain ordinances of the Board of Supervisors of the City and County of San Francisco—return the same, with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 598—An Act to authorize the Police Judge of San Francisco to appoint an official reporter—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 408—An Act to authorize the Supervisors of the City and County of San Francisco to pay damages to property owners in the matter of the opening of Second street—with the recommendation that it be indefinitely postponed.

Also, Assembly Bill No. 685—An Act to ratify and confirm certain orders of the Board of Supervisors—with the recommendation that it pass.

Also, Assembly Bill No. 683—An Act for the relief of Joseph Legget—with the recommendation that it pass.

Also, Assembly Bill No. 578—An Act to authorize the Board of Edu-

cation of the City and County of San Francisco to lease a school lot—with amendments, and recommend that the bill pass as amended.

Also, Assembly Bill No. 694—An Act abolishing the City Hall Commission—with a substitute, and recommend that such substitute pass.

Also, Assembly Bill No. 412—An Act to reincorporate the City and County of San Francisco—with a substitute, and recommend that such substitute pass.

SWIFT, Chairman.

Assembly Bill No. 412, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Substitute for Assembly Bill No. 694, above reported, substitute adopted, rules suspended, and, on motion of Mr. Swift, the bill was ordered to the head of the File for to-morrow.

Assembly Bill No. 598, above reported, indefinitely postponed.

Assembly Bill No. 631, above reported, indefinitely postponed.

Assembly Bill No. 408, above reported, indefinitely postponed.

Assembly Bill No. 578, above reported, amendments adopted, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 685, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 683, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

#### RECONSIDERATION.

Pursuant to notice, Mr. Barton moved to reconsider the vote by which the House, yesterday, passed Senate Bill No. 253—An Act for the relief of Catherine Connolly.

Mr. Murphy moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Tinnin, Bryan, and Venable, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bradley, Byers, Byrnes, Carter, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hay, Howe, Ingham, Klotz, McBride, Miller, Murphy, Northcutt, Northup, Peek, Pishon, Rea, Russell, Simpson, Stowers, Summers, Swift, and Williams—38.

**NOES**—Messrs. Ables, Aldrich, Bryan, Burt, Canfield, Clark, Cowdery, Giffen, Hammitt, Heald, Hurlburt, Kercheval, Knox, Long, McCallum, Meyers, Norton, Parker, Patterson, Pelham, Rogers, Roush, Simpers, Snyder, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—33.

#### REPORTS.

Reports were submitted as follows:

By Mr. Knox:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No.

543—An Act to provide for the purchase and construction of free bridges in Big River Township, County of Mendocino;

Also, Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes;

Also, Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento;

Also, Assembly Bill No. 498—An Act to incorporate the Town of Woodland;

Also, Assembly Concurrent Resolution No. 44—relative to the establishment of a mail route from Reno, in the State of Nevada, to Quincy, in the County of Plumas, State of California;

Also, Assembly Bill No. 182—An Act to incorporate the City of Monterey;

Also, Assembly Bill No. 605—An Act to provide additional Notaries Public in the County of Inyo;

Also, Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter;

Also, Assembly Bill No. 570—An Act to incorporate the Town of Yuba City;

Also, Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county;

Also, Assembly Bill No. 596—An Act authorizing the Board of Education of the City and County of San Francisco to exchange a lot of land in said city and county;

Also, Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder;

Also, Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin;

Also, Assembly Bill No. 667—An Act amendatory of and supplemental to an Act entitled an Act to incorporate the Town of Santa Clara;

Also, Assembly Bill No. 566—An Act to protect agriculture in the County of Calaveras;

Also, Assembly Bill No. 143—An Act to amend the Political Code respecting the assessment and collecting of taxes;

Also, Assembly Bill No. 394—An Act to incorporate the Town of Hollister;

Also, Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco;

Also, Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city;

Also, Assembly Bill No. 552—An Act relative to the Board of Supervisors of the Counties of Yolo and Solano;

Also, Assembly Bill No. 516—An Act to amend the City Charter of the City of Healdsburg, Sonoma County;

Also, Substitute for Assembly Bill No. 480—An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes;

Also, Senate Substitute for Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda;

Also, Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy;

Also, Assembly Bill No. 649—An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County;

Also, Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation;

Also, Assembly Bill No. 621—An Act supplemental to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned in behalf of the State;

Also, Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations of the nineteenth session of the Legislature;

Also, Assembly Bill No. 524—An Act for the relief of T. P. Riordan;

And that the same have, this twenty-third day of March, eighteen hundred and seventy-four, at one o'clock and forty minutes P. M., been delivered to the Governor, for his approval.

KNOX, for Committee.

By Mr. Tully:

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 688—An Act to amend section nine hundred and fourteen of the Political Code—have had the same under consideration, and report the same back, with the recommendation that it do not pass.

TULLY, Chairman.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 23d, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendments to Senate Bills Nos. 178 and 473.

Also, on March nineteenth, passed Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two, eighteen hundred and seventy-three, and eighteen hundred and seventy-four.

Also, on March twentieth, passed Senate Bill No. 489—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax.

Also, passed Senate Bill No. 494—An Act to authorize Chico School District to issue bonds for building purposes.

Also, passed Senate Bill No. 464—An Act to authorize the Board of Supervisors of Solano County to levy a road tax.

Also, on March nineteenth, passed Senate Bill No. 414—An Act legalizing the State tax and assessments in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, this day, the Senate refused to recede from its amendment to Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road—and appointed as a Committee of Conference, Messrs. Pendegast, Tuttle, and Perkins.

Also, on this day, passed Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento

Also, passed Assembly Bill No. 390—An Act to repeal Article XI of Chapter I of the Political Code.

Also, amended and passed Assembly Bill No. 424—An Act to amend sections six hundred and sixty and six hundred and sixty-one of the Political Code.

Also, this day, amended and passed Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty eight, also, an Act approved April first, eighteen hundred and seventy.

Also, amended and passed Assembly Bill No. 53—An Act to appropriate money for the expenses of the Tide Land Commission.

Also, passed Assembly Bill No. 403—An Act in relation to the Political Code.

Also, indefinitely postponed Assembly Bill No. 335—An Act to amend the Civil Code, relating to the liability of landlords.

Also, amended and passed Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville to Knights Landing.

Also, amended and passed Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence to the City of Los Angeles.

Also, indefinitely postponed Assembly Bill No. 622—An Act to provide funds for the school department of Oakland.

Also, passed Assembly Bill No. 574—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves.

Also, passed Senate Bill No. 498—An Act for the relief of Henry Meyers—and ordered the same transmitted without engrossment.

Also, on the twentieth instant, passed Senate Bill No. 467—An Act supplemental to and amendatory of an Act to reincorporate the City of Petaluma.

Also, on the twenty-first instant, passed Senate Bill No. 87—An Act to provide for the erection and maintenance of a Branch State Prison, near the Town of Folsom.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 87, above reported, read first and second times, and ordered second on File for to-morrow.

Senate Bill No. 414, above reported, read first and second times, and referred to the Committee on Ways and Means.



Senate Bill No. 467, above reported, read first and second times, and referred to the Sonoma delegation.

Senate Bill No. 498, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 452, above reported, read first and second times, and referred to the Committee on Ways and Means.

Senate Bill No. 489, above reported, read first and second times, and referred to the Contra Costa delegation.

Senate Bill No. 464, above reported, read first and second times, and referred to the Solano delegation.

Senate Bill No. 494, above reported, read first and second times, and ordered on File.

Assembly Bill No. 509, above reported, Messrs. Welch, Thomas, and Howe were appointed on the part of the House on Committee of Conference on disagreeing vote of the two Houses.

Assembly Bill No. 424, above reported, Senate amendments concurred in.

Assembly Bill No. 45, above reported, referred to the Judiciary Committee.

Assembly Bill No. 659, above reported, Senate amendments concurred in.

Assembly Bill No. 53, above reported, Senate amendments concurred in, and ordered enrolled out of its order.

Assembly Bill No. 628, above reported, Senate amendments concurred in.

#### REPORT.

By Mr. Byrnes:

Mr. SPEAKER: The San Mateo delegation, to whom was referred Assembly Bill No. 708—An Act to incorporate the Town of San Mateo—report the same back, and recommend its passage.

JAMES BYRNES, for Delegation.

Assembly Bill No. 708, above reported, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

#### RESOLUTION.

By Mr. Stowers:

WHEREAS, There has been a very large demand beyond the supply for the report of the Committee on Education; therefore,

*Resolved*, That a new edition of two hundred and forty copies be ordered printed.

Adopted.

#### SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 126—An Act to amend the Civil Code.

Amended, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 23d, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 507—An Act to annex the territory comprised in the present County of Klamath, to the Counties of Humboldt and Siskiyou—and ordered the same to be transmitted without engrossment.

E. L. CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 507, above reported, read first and second times, and referred to the delegations from Klamath, Humboldt, Siskiyou, and Del Norte.

## SECOND SPECIAL ORDER.

Senate Joint Resolution No. 50—concerning the improvement of the harbor of Oakland.

Mr. Swift moved to amend the resolution as follows: "Our Senators are also instructed and our Representatives are requested to urge upon Congress the appropriation of the following sums of money, to improve the harbors and creeks in this State, as follows: For Vallejo, one hundred thousand dollars; Crescent City, fifty thousand dollars; the various harbors in Humboldt Bay, one hundred thousand dollars; Santa Cruz, fifty thousand dollars; Santa Barbara, fifty thousand dollars; Alviso Creek, twenty-five thousand dollars; San Diego, one hundred thousand dollars."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Swift, Vandall, and Howe, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Bryan, Coggins, Cowdery, Escandon, Freeman, Freidenrich, Heald, Howe, Hurlburt, Miller, Murphy, Rea, Rogers, Swift, Terrill, Tinnin, Vandall, Welch, Wickware, and Mr. Speaker—21.

NOES—Messrs. Amerman, Barton, Bowers, Byers, Canfield, Carter, Clark, Davis, Dixon, Fahey, Ferguson, Gilmore of Calaveras, Gurnett, Hammitt, Ingham, Kercheval, Long, McBride, McCallum, Meyers, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Russell, Simpers, Snyder, Stowers, Summers, Thomas, Tully, Venable, Williams, and Winchell—39.

Mr. Swift moved to amend as follows: Amend, by adding after "San Antonio Creek," the words "and Alviso Creek, so as to deepen the water at the embarcadero of the City of San José; also, the harbors of Sacramento and Stockton."

On the adoption of the amendment, the ayes and noes were demanded by Messrs. Swift, Vandall, and Howe, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bryan, Coggins, Cowdery, Cressler, Dixon, Escandon, Freeman, Freidenrich, Howe, Meyers, Miller, Patterson, Rea, Rogers, Swift, Tinnin, Vandall, Welch, Wickware, and Mr. Speaker—21.

**NOES**—Messrs. Amerman, Barton, Bowers, Byers, Canfield, Carter, Chandler, Clark, Davis, Fahey, Ferguson, Gilmore of Calaveras, Gurnett, Hammitt, Hay, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, McCallum, Morgan, Murphy, Northup, Norton, Parker, Paulsell, Peek, Pelham, Pishon, Russell, Simpers, Snyder, Stowers, Summers, Terrill, Thomas, Tully, Venable, Williams, and Winchell—42.

On the passage of the resolution, the ayes and noes were demanded by Messrs. Tinnin, Bryan, and Rogers, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bradley, Byers, Canfield, Carter, Chandler, Clark, Cressler, Davis, Escandon, Fahey, Ferguson, Gilmore of Calaveras, Gurnett, Hammitt, Hay, Hill, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, Meyers, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Paulsell, Peek, Pelham, Pishon, Rea, Simpers, Snyder, Stowers, Summers, Thomas, Tully, Venable, Williams, and Winchell—46.

**NOES**—Messrs. Ables, Aldrich, Bryan, Burt, Coggins, Cowdery, Dixon, Franck, Freeman, Freidenrich, Heald, Howe, McCallum, Patterson, Rogers, Roush, Russell, Swift, Terrill, Tinnin, Vandall, Welch, Wickware, and Mr. Speaker—24.

#### GENERAL FILE.

Assembly Bill No. 553—An Act in relation to stock roads.

Amended, and ordered engrossed.

Mr. Tully gave notice that he would, to-morrow, move to reconsider the vote by which the bill was ordered engrossed.

Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

On the motion to order the bill engrossed, the roll was called, resulting as follows:

**AYES**—Messrs. Amerman, Barton, Bowers, Bradley, Burt, Byers, Canfield, Chandler, Coggins, Cressler, Davis, Escandon, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Heald, Howe, Hurlburt, Ingham, Kercheval, Kloiz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, and Winchell—59.

**NOES**—Messrs. Ables, Bryan, Clark, Cowdery, Freeman, Freidenrich, Hill, Knox, Swift, and Williams—10.

On motion, the rules were suspended, the bill considered engrossed, read a third time, and on its passage the roll was called, with the following result:

**AYES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Hay,

Heald, Howe, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpser, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Vandal, Venable, Welch, Wickware, and Winchell—58.

NOES—Messrs. Ables, Clark, Cowdery, Freeman, Hill, Knox, Swift, and Williams—8.

#### APPOINTMENT OF COMMITTEE.

The Speaker announced as additional members of the Committee on Enrollment, the following: Messrs. Clark, Fahey, Bowers, and Giffen.

#### REPORT.

Mr. Bradley had leave to make the following report:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Salinas City to build a school house and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No. 677—An Act to increase the revenue of the City of Oakland from wharfage.

Also, Assembly Bill No. 671—An Act to authorize the Board of Supervisors of Monterey County to build a Court House and Jail in said county, to issue bonds of said county for the construction thereof, and to provide for the payment of the same.

Also, Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

Also, Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen.

Also, Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono.

Also, Assembly Bill No. 645—An Act for the protection of coal mines and coal miners.

Also, Assembly Bill No. 513—An Act to amend section thirty-eight hundred and sixty-six of the Political Code.

Also, Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year.

Also, Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real and personal estate within the limits of California.

Also, Assembly Bill No. 396—An Act creating a Board of Transportation Commissioners, and prescribing their duties and powers.

Also, Assembly Bill No. 429—An Act to regulate freight on railroads in the State of California, when shipped by the carload.

Also, Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code.

Also, Assembly Bill No. 542—An Act relating to the assessment of non-resident and unimproved land in the State of California.

Also, Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

Also, Assembly Bill No. 479—An Act to amend section three thousand eight hundred and sixty of the Political Code.

Also, Assembly Bill No. 588—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Also, Assembly Bill No. 507—An Act to amend certain sections of the Political Code, in relation to collection of poll taxes.

Also, Assembly Bill No. 607—An Act to compel the proper observance of the laws of the State of California by public officers.

Also, Assembly Bill No. 611—An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State.

Also, Assembly Bill No. 656—An Act to confer additional powers on municipal authorities in incorporated cities and towns in this State.

Also, Assembly Bill No. 629—An Act to amend section one thousand three hundred and twenty-nine of the Penal Code.

Also, Assembly Bill No. 655—An Act supplemental to an Act entitled an Act supplemental to and amendatory of an Act to incorporate the Town of Santa Cruz.

Also, Assembly Bill No. 618—An Act to provide for the widening of Dupont street in the City and County of San Francisco.

Also, Assembly Bill No. 699—An Act consolidating the offices of Sheriff and Tax Collector in Placer County.

Also, Assembly Bill No. 697—An Act to provide for the collection of certain unpaid taxes in the County of Modoc.

Also, Assembly Bill No. 700—An Act to authorize the Supervisors of Alameda County to pay the claim of George W. Babcock.

Also, Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

Also, Assembly Bill No. 205—An Act to amend the Political Code.

BRADLEY, Chairman.

#### GENERAL FILE RESUMED.

Senate Bill No. 380—An Act to aid in the improvement of the lands of the State Agricultural Society.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Coggins, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

On the adoption of a substitute for the bill, introduced by Mr. Meyers, the ayes and noes were demanded by Messrs. Meyers, Bowers, and Vandall, and the House refused, by the following vote:

AYES—Messrs. Ables, Bowers, Bradley, Canfield, Carter, Cowdery, Davis, Franck, Ferguson, Hay, Hurlburt, Knox, Meyers, Miller, Murphy, Paulsell, Rea, Tully, Vandall, and Venable—20.

NOES—Messrs. Amerman, Barton, Bryan, Burt, Byers, Byrnes,

Chandler, Clark, Coggins, Cressler, Dixon, Escandon, Fahey, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Heald, Hill, Howe, Ingham, Kercheval, Klotz, Long, McCallum, Morgan, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Welch, Wickware, Williams, Winchell, and Mr. Speaker—53.

On the passage of the bill, the ayes and noes were demanded by Messrs. Knox, Paulsell, and Ables, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bryan, Byrnes, Clark, Coggins, Cowdery, Davis, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hammitt, Hill, Howe, Ingham, Kercheval, Klotz, McBride, McCallum, Morgan, Murphy, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Thomas, Welch, Williams, Winchell, and Mr. Speaker—47.

**NOES**—Messrs. Ables, Aldrich, Bowers, Bradley, Burt, Canfield, Carter, Chandler, Cressler, Dixon, Franck, Hay, Heald, Hurlburt, Knox, Long, Meyers, Miller, Northcutt, Paulsell, Rea, Swift, Tinnin, Tully, Vandall, Venable, and Wickware—27.

#### REPORTS.

Reports were submitted as follows:

By Mr. Tully—Minority report from the Committee on Counties and County Boundaries, relative to the division of Solano County.

By Mr. Heald—Majority report from the same committee on the same subject, the minority in favor and the majority against the passage of the bill.

The two reports were ordered printed out of their order, and printed copies thereof were ordered distributed on the desks of members tomorrow morning.

[For report, see Appendix.]

By Mr. Roush:

**MR. SPEAKER:** The Committee on Engrossment beg leave to report that they have examined Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County—and find the same correctly engrossed.

**ROUSH,** for Committee.

At four o'clock and forty minutes P. M., on motion of Mr. Howe, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## RESOLUTION.

By Mr. Cowdery:

*Resolved*, That should the message of the Governor, returning Senate Bill No. 44, reach this Assembly, the vote on the same shall be taken on Wednesday evening next, at eight o'clock.

On motion of Mr. Tinnin, the resolution was laid on the table.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. McCallum—An Act amendatory of and supplemental to an Act entitled an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four.

Read first and second times, and ordered on File.

By Mr. Klotz—An Act relative to roads and highways in the County of Shasta.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Tully—An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito, in this State.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Patterson—An Act to amend an Act entitled an Act to punish adultery, approved March fifteenth, eighteen hundred and seventy-two.

Read first and second times, and referred to the Committee on Public Morals.

By Mr. Escandon—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo.

Read first and second times, and ordered on File.

By Mr. Long—An Act to exempt active firemen in the County of Tulumne from jury duty and from the payment of poll taxes.

Read first and second times, and referred to the Committee on Ways and Means.

## REPORT.

Mr. Escandon had leave to make the following report:

MR. SPEAKER: The San Luis Obispo, Santa Barbara, and Ventura delegation, to whom was referred Senate Bill No. 269—An Act fixing the salaries of certain officers of San Luis Obispo County—having considered the same, now report it back, with a substitute, and recommend the adoption and passage of the substitute.

ESCANDON, for Delegation.

Substitute for Senate Bill No. 269, above reported, substitute adopted, read a third time, and passed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Meyers—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two.

Read first and second times, and referred to the San Joaquin delegation.

Also, an Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain Funds.

Read first and second times, and referred to the San Joaquin delegation.

## LEAVE OF ABSENCE.

Leave of absence for the evening was granted to the Committee on Ways and Means.

## GENERAL FILE.

Assembly Bill No. 239—An Act to provide for the sale of the Codes, Statutes Continued in Force, and the Reports of the Supreme Court.

Read a third time, and passed.

Assembly Bill No. 454—An Act to discourage drunkenness and diminish crime and pauperism.

Ordered to the head of the File for to-morrow.

Senate Bill No. 296—An Act regulating the sale of mineral lands belonging to the State.

Amended, read a third time, and passed.

Assembly Bill No. 613—An Act amending certain sections of the Political Code relative to the assessment of property for taxation.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 198—An Act to amend section three thousand four hundred and ninety-five of the Political Code.

Referred to the Committee on Land Monopoly.

Assembly Bill No. 565—An Act to provide for the payment of certain indebtedness of the State to the late State Printer.

Passed on the File.

Assembly Bill No. 558—An Act to define the amount of land described in certain patents.

Indefinitely postponed.

Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 407—An Act for the protection of buoys and beacons.

Read a third time, and passed.

Assembly Bill No. 586—An Act to discourage the use of intoxicating liquors.

Referred to the Committee on Diseased Hogs.



Assembly Bill No. 690—An Act amendatory of an Act entitled an Act to prevent hunting and shooting on private grounds, and the destruction of growing timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORT.

By Mr. Tinnin:

Mr. SPEAKER: The Committee on Claims, to whom was referred Senate Bill No. 498—An Act for the relief of Henry Meyers—have examined the same, find that it is a local bill, appertaining to the County of San Joaquin and the City of Stockton, and by unanimous request of the delegation from that county, we report the bill back, and recommend its passage.

TINNIN, Chairman.

Senate Bill No. 498, above reported, taken up, read a third time, and passed.

#### GENERAL FILE RESUMED.

Assembly Bill No. 692—An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito.

Rules suspended, bill considered engrossed, read a third time, and passed

Assembly Bill No. 634—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 691—An Act to provide for the preservation of the material of the Geological Survey of the State of California.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Tinnin, the committee arose, reported the bill back with an amendment, and recommended its passage as amended.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 691, above reported, amendment adopted, rules suspended, bill considered engrossed, read a third time, and passed.

#### GENERAL FILE RESUMED.

Senate Concurrent Resolution No. 6—to cheapen telegraphic communication.

Read a third time, and passed.

Senate Bill No. 394—An Act to provide for the payment of certain indebtedness of Tuolumne County.

Amended, read a third time, and passed.

Assembly Bill No. 680—An Act making Senate Bill No. 127—to promote irrigation in Los Angeles County—supplemental to Assembly Bill No. 172—to provide a system of irrigation—so far as relates to the County of Los Angeles.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 702—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 705—An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-one, approved April fourth, eighteen hundred and seventy.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 707—An Act to amend section eight hundred and two of the Penal Code.

Referred to the Judiciary Committee.

Assembly Bill No. 664—An Act to amend section twenty-seven hundred and twenty-five of the Political Code.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Tully moved to make Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County—the special order for to-morrow, at two o'clock P. M.

On which the ayes and noes were demanded by Messrs: Tully, Murphy, and Williams, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bradley, Bryan, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Escandon, Fahey, Giffen, Gilmore of Calaveras, Gurnett, Kercheval, Klotz, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Patterson, Peek, Pelham, Pishon, Rogers, Simpson, Summers, Terrill, Tinnin, Tully, Vandall, Venable, Williams, and Mr. Speaker—42.

**NOES**—Messrs. Ables, Ferguson, Hammitt, Heald, Hurlburt, Knox, Norton, Rea, Roush, Thomas, Welch, Wickware, and Winchell—13.

Assembly Bill No. 589—An Act to amend section four thousand and twenty-seven of the Political Code.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 561—An Act to amend section six hundred and seventy-nine of the Political Code.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Cressler, McBride, and Hamitt, and the House refused, by the following vote:

AYES—Messrs. Barton, Bradley, Gilmore of Calaveras, Norton, Patterson, and Simpson—6.

NOES—Messrs. Ables, Amerman, Bowers, Bryan, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Fahey, Ferguson, Giffen, Hammitt, Hay, Heald, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Miller, Murphy, Northcutt, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Simpers, Stowers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—58.

#### INTRODUCTION OF BILL.

By Mr. Gilmore of Calaveras—An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy two.

Read first and second times, and referred to the Committee on Ways and Means.

#### GENERAL FILE RESUMED.

Assembly Bill No. 576—An Act to amend sections ten hundred and twenty-eight, forty-three hundred and thirty-three, and twenty-two hundred and twenty-one of the Political Code.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 250—An Act to amend the Political Code in relation to Notaries Public.

Engrossment refused.

Assembly Bill No. 407—An Act to amend section twenty-eight hundred and fifty-three of the Political Code, relative to the establishing of ferries and toll bridges.

Engrossment refused.

Assembly Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory of and supplementary thereto, and for other purposes.

Passed on File.

#### REPORT.

By Mr. Northcutt:

MR. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 467—An Act supplemental to and amendatory of an Act to incorporate the City of Petaluma—beg leave to report the same back, and recommend its passage.

DIXON, for Delegation.

Senate Bill No. 467, above reported, rules suspended, bill read a third time, and passed.

Senate Bill No. 494—An Act to authorize Chico School District to issue bonds for building purposes.

Taken up out of order, rules suspended, bill read a third time, and passed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 23d, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Also, Assembly Bill No. 715—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino.

IRA H. REED,  
Assistant Secretary.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 23d, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 496—An Act to provide for the payment of two thousand dollars to the Grass Valley Orphan Asylum, appropriated by the Legislature, April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 608—An Act supplemental to an Act entitled an Act to create the County of Modoc, to establish the boundaries thereof, and to provide for its organization, approved February seventeenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 423—An Act making an appropriation for the purchase of apparatus for the State Normal School.

Also, Assembly Bill No. 164—An Act to provide for the return to the State Treasury and cancellation of certain Controller's warrants.

Also, Assembly Bill No. 73—An Act to provide for the payment of the indebtedness incurred in repairing and refitting the Capitol.

Also, Assembly Bill No. 510—An Act supplementary to an Act entitled an Act to establish a public street in the City and County of San Francisco, to be called Montgomery Avenue, and to take private lands therefor, approved April first, eighteen hundred and seventy-two.

Also, Assembly Bill No. 344—An Act to amend sections three thousand and nine and three thousand and ten of the Political Code.

Also, Assembly Bill No. 374—An Act supplementary to an Act entitled an Act to authorize the formation of corporations to provide the mem-

bers thereof with homesteads, or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 530—An Act to authorize the Trustees of the City of Petaluma to issue bonds for the purchase of an agricultural park.

Also, Assembly Bill No. 383—An Act to provide for the building of a bridge across the mouth of the Bay of San Leandro, in the County and Town of Alameda, and to authorize the Supervisors of the County of Alameda to levy a special tax for that purpose.

Also, Assembly Bill No. 351—An Act to authorize the Trustees of the First Congregational Religious Society, of Oakland, to convey certain real estate belonging to said society, in the City of Oakland, and County of Alameda.

Also, Assembly Bill No. 339—An Act to authorize the City of Oakland to construct a main sewer.

Also, Assembly Bill No. 545—An Act to incorporate the Town of Menlo Park, in the County of San Mateo.

Also, Assembly Bill No. 662—An Act to amend an Act entitled an Act to provide for the opening and improving of Santa Clara Avenue, in the County of Santa Clara, approved March fifteenth, eighteen hundred and seventy-two.

NEWTON BOOTH,  
Governor.

#### RESOLUTION.

Mr. Barton introduced the following resolution:

*Resolved*, That the Sergeant at-Arms be and he is hereby directed to procure chairs and place them in the gallery, for the use and accommodation of visitors, at his earliest convenience.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Ferguson, Barton, and Cressler, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Carter, Chandler, Coggins, Cressler, Davis, Escandon, Fahey, Giffen, Gilmore of Calaveras, Hammitt, Howe, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Miller, Northcutt, Norton, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Stowers, Terrill, Tully, Venable, Welch, Wickware, Winchell, and Mr. Speaker—38.

**NOES**—Messrs. Bryan, Canfield, Clark, Cowdery, Ferguson, Hay, Heald, Hurlburt, Murphy, Roush, Simpers, Tinnin, Thomas, and Vandal—14.

At eight o'clock and fifty-six minutes P. M., on motion of Mr. McCallum, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
 Tuesday, March 24th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Reports were made as follows:

By Mr. Patterson:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes—beg leave to report the same back with amendments, and recommend the passage of the same as amended.

PATTERSON, for Committee.

By Mr. Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four—report that they have considered the same, and find the following facts:

It appears there is some doubt as to the legality of the proceedings of the Board of Supervisors in forming the district; but, at the same time, to legalize their acts, in so far as the formation of the district, will result in no harm, but much good, to all parties concerned.

We also find that the acts of the Commissioners, in making their assessment, did not conform to the law, and that the Supreme Court has decided the same to be invalid. We, therefore, report the bill back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 441—An Act to authorize the Boards of Supervisors of the counties named therein to transfer certain Funds, and to empower the Boards of Supervisors of the said counties to levy a tax, when necessary, to provide the means to return said Funds, when required—report it back, and recommend its passage.

KERCHEVAL, Chairman.

By Mr. Cressler:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 710—An Act to amend section five hundred and thirty-two of the Penal Code, and to add a new section to said Code.

Also, Substitute for Assembly Bill No. 701—An Act to add another section to the Penal Code.

Also, Assembly Bill No. 683—An Act for the relief of Joseph Leggett.

Also, Assembly Bill No. 685—An Act to ratify certain orders and resolutions and acts of the Board of Supervisors of the City and County of San Francisco.

CRESSLER, for Committee.

By Mr. Pishon:

Mr. SPEAKER: The Committee on Military Affairs have had Senate Bill No. 130—An Act to amend the Political Code concerning military affairs—under consideration, report the same back, and recommend that it do not pass.

PISHON, Chairman.

By Mr. Patterson:

Mr. SPEAKER: Your committee to whom was referred Assembly Bill No. 720—An Act to amend an Act entitled an Act to punish adultery, approved March fifteenth, eighteen hundred and seventy-two—have had the same under consideration, and report the same back, with the recommendation that it pass.

PATTERSON.

By Mr. Pishon—relative to the condition of the State militia.

Ordered printed and distributed on the desks of members.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly Resolution—that the Journal Clerk be allowed to appoint another assistant, to be paid the same per diem as allowed the Journal Clerk—have had the same under consideration, and report it back, recommending its passage, and that the Controller be required to draw his warrant, for the per diem of the appointee, on the Contingent Fund of the Assembly.

MEYERS.

Adopted.

By Mr. Higbie:

Mr. SPEAKER: The Committee on Education, to whom was referred Assembly Bill No. 633—An Act to prevent discrimination against female teachers—report the same back, with an amendment, and recommend its passage as amended.

HIGBIE.

By Mr. Meyers:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 716—An Act to confer additional powers on the Board of Supervisors of the County of San Joaquin—have had the same under consideration, and beg leave to report it back, and recommend its passage.

MEYERS,  
PAULSELL.

Assembly Bill No. 716, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

Mr. Northcutt had leave to withdraw Senate Bill No. 467.

By Mr. Amerman:

**MR. SPEAKER:** The Committee of Free Conference, to whom was referred the disagreeing vote between the Senate and Assembly on Senate Bill No. 322—An Act to exempt firemen in Nevada and Siskiyou Counties from the payment of poll tax—have had the same under consideration, and now recommend that the Senate concur in the amendments made to said bill in the Assembly, and that Sonoma be included in the list of counties, the firemen in the incorporated cities and towns of which shall be exempt from the payment of poll tax.

AMERMAN,  
FRANCK,  
HEALD,  
Assembly Committee.

IRWIN,  
DUFFY,  
TUTTLE,  
Senate Committee.

Adopted.

By Mr. Williams:

**MR. SPEAKER:** The El Dorado delegation have considered Senate Bill No. 100—An Act to amend an Act entitled an Act to regulate the fees and salaries of officers, and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy, approved March twenty-seventh, eighteen hundred and seventy-two—and report it back with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 341—An Act to amend an Act concerning roads and highways in the County of El Dorado, approved March eighteenth, eighteen hundred and seventy-two—and report it back, and recommend its passage.

Also, Senate Bill No. 275—An Act to authorize the City Clerk of the City of Placerville to execute certain trusts in relation to the lands granted to said city—and report it back, and recommend its passage.

WILLIAMS, for Delegation.

Senate Bill No. 100, above reported, amended, rules suspended, read a third time, and passed.

Senate Bill No. 275, above reported, rules suspended, read a third time, and passed.

Senate Bill No. 341, above reported, rules suspended, read a third time, and passed.

By Mr. Meyers:

**MR. SPEAKER:** The Committee on Agriculture, to whom was referred Senate Bill No. 468—An Act supplemental to and amendatory of an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four—have had the



same under consideration, and beg leave to report it back to the House, with an amendment, and recommend the passage of the bill as amended.

SAMUEL MEYERS,  
For Committee.

Senate Bill No. 468, above reported, amended, rules suspended, bill read a third time, and passed.

By Mr. Miller:

Mr. SPEAKER: The Committee on Mileage, to whom was referred the matter of mileage due the Committee on Military Affairs, beg leave to report the following allowance due members thereof:

TO WHOM DUE.	Amount.
Pishon, two hundred and thirty-four miles.....	\$35 10
Hamill, two hundred and thirty-four miles.....	35 10
Fahey, two hundred and thirty-four miles.....	35 10
Hay, two hundred and thirty-four miles.....	35 10

And offer the following resolution:

*Resolved*, That the Controller of State is hereby authorized to draw his warrant on the Contingent Fund of the Assembly for the above several amounts, and the Treasurer is hereby directed to pay the same.

MILLER, Chairman.  
G. W. GILMORE,  
B. C. NORTHUP.

Adopted.

By Mr. Hammitt:

Mr. SPEAKER: The delegation to whom was referred Senate Bill No. 489—An Act to authorize the Board of Supervisors of Contra Costa County to levy a special tax—beg leave to report the same back, with an amendment, and recommend its passage as amended.

A. W. HAMMITT.

Senate Bill No. 489, above reported, amended, rules suspended, bill read a third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers—An Act to provide for the completion of the map of Central California.

Read first and second times, and referred to the Committee on Ways and Means.

By Mr. Hamill—An Act providing for the employment of prison labor, and regulating contracts therefor.

Read first and second times, and referred to the State Prison Committee.

By Mr. Hay—An Act to amend section three thousand nine hundred and fifty-two of the Political Code, and to better define the boundary line of Santa Clara County.

Read first and second times, and referred to the Santa Clara delegation.

#### RECONSIDERATION.

Pursuant to notice, Mr. Coggins moved to reconsider the vote by which the House, on yesterday, passed Senate Bill No. 158.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Coggins, Freeman, and Russell, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bryan, Burt, Byers, Carter, Coggins, Cowdery, Cressler, Escandon, Freidenrich, Gilmore of Calaveras, Gray, Hammitt, Heald, Hill, Howe, Kercheval, McBride, McCallum, Miller, Northup, Paulsell, Pelham, Roush, Russell, Summers, Swift, Thomas, Welch, Wickware, and Mr. Speaker—32.

**NOES**—Messrs. Amerman, Barton, Bowers, Bradley, Byrnes, Chandler, Davis, Fahey, Franek, Freeman, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hamill, Hay, Higbie, Hurlburt, Ingham, Klotz, Knox, Meyers, Morgan, Murphy, Northcutt, Norton, Peek, Pishon, Rea, Rogers, Snyder, Stowers, Tully, Williams, and Winchell—35.

#### GENERAL FILE.

Assembly Bill No. 694—An Act abolishing the City Hall Commission of the City and County of San Francisco, and providing for the construction of the building.

Amended, read a third time, and passed.

Assembly Bill No. 643—Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127, and 232—proposed amendments to the Constitution of the State of California.

Made the special order for to-morrow, at one o'clock P. M.

Senate Bill No. 87—An Act to provide for the erection and maintenance of a branch prison, near the Town of Folsom.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Terrill, the committee arose, reported the bill back, and asked leave to sit again after recess.

#### IN ASSEMBLY.

[Speaker in the chair.]

The report of the Committee of the Whole was adopted.

At twelve o'clock M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

The special order, consideration of Senate Bill No. 290, was deferred until after Senate Bill No. 87 was disposed of.

## RESOLUTIONS.

By Mr. Heald:

WHEREAS, Either late last night or early this morning, some unknown party or parties obtained from the State Printer's office a copy or copies of the proof-sheets of the minority and majority reports of the Assembly Committee on Counties and County Boundaries; the object and intent of this movement was of a fraudulent character, for the reason that the Copying Clerk of the Assembly left explicit orders with the foreman of said office, to permit no person to handle the said reports, unless he be connected with the State Printing office; the object of procuring these copies was evidently to enable the friends of the bill to present their side of the question and prepare their case several hours in advance of those opposed to the bill; therefore, be it

*Resolved*, That the State Printer and his foreman be immediately cited to appear before the House, or a Special Committee of the House, to explain how it was that the said proof-sheets were extracted from the State Printer's office, and to determine who are the guilty parties.

Referred to the Committee on Printing, with instructions to investigate the matter.

By Mr. Byrnes:

*Resolved*, That the Senate be requested to return to the Assembly Senate Bill No. 491—An Act relating to the Town of Redwood—the same having been transmitted by mistake.

Adopted.

## REPORTS.

Reports were submitted as follows:

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

Also, Assembly Bill No. 718—An Act relative to roads and highways in the County of Shasta.

Also, Assembly Bill No. 719—An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito.

Also, Assembly Bill No. 692—An Act to prevent the destruction of property from camp fires and firearms, in the Counties of Monterey and San Benito, in this State.

Also, Assembly Bill No. 690—An Act amendatory of an Act entitled an Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber, in certain counties in this State.

Also, Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure.

Also, Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

BRADLEY, Chairman.

By Mr. Dixon:

Mr. SPEAKER: The Sonoma delegation, to whom was referred Senate Bill No. 467—An Act supplemental to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma—beg leave to report the same back, with amendments, and recommend its passage as amended.

DIXON, for Delegation.

Senate Bill No. 467, above reported, amended, rules suspended, read a third time, and passed.

By Mr. McCallum:

Mr. SPEAKER: Your committee appointed to inquire into the charges of breach of privilege made against Charles P. Converse—beg leave to submit the following report:

From the evidence taken before the committee, it appears that the said C. P. Converse has made representations to certain individuals on the outside, that for money he could secure the passage or defeat of certain bills then pending before the House, and that for certain specified sums he could secure the withdrawal of all opposition on the part of certain named members of this House to those measures.

The evidence taken before your committee does not show that the said Converse did directly approach any member for the purpose of corruptly influencing his vote, nor does it in any way appear that any member was improperly influenced by any offer of money or other consideration from the said Converse, on any measure before the House during this session of the Legislature.

Your committee further believe, from the evidence presented, that the said Converse made the representations herein set forth, to parties on the outside, for the sole purpose of extorting money from them for his own use and benefit; and that in all cases, such representations were made without the knowledge or consent of the parties whose votes were proposed to be secured.

McCALLUM, Chairman.

The consideration of the above report was made the special order for this evening, at seven o'clock and thirty minutes P. M.

#### INTRODUCTION OF BILLS.

Mr. Ingham had leave to introduce the following: An Act giving the consent of the Legislature to Whitman H. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State for a period not exceeding ninety days.

Read first and second times, rules suspended, bill considered engrossed,

read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Byrnes—An Act authorizing the Board of Supervisors of San Mateo County to construct and maintain a county road in said county.

Read first and second times, and ordered on File.

By Mr. Howe—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Read first and second times, and referred to the San Francisco delegation.

On the motion of Mr. Cowdery, to make Senate Bill No. 301 the special order for to-morrow, at two o'clock P. M., the ayes and noes were demanded by Messrs. Williams, Murphy, and Amerman, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bradley, Burt, Byers, Byrnes, Canfield, Chandler, Cowdery, Cressler, Franck, Ferguson, Gray, Hamill, Hammitt, Heald, Howe, Knox, McCallum, Norton, Patterson, Roush, Russell, Stowers, Swift, Thomas, Wickware, Winchell, and Mr. Speaker—29.

**NOES**—Messrs. Amerman, Barton, Bowers, Bryan, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hay, Hill, Ingham, Kercheval, Klotz, Long, Meyers, Miller, Morgan, Murphy, Northcutt, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Simpson, Snyder, Summers, Terrill, Tinnin, Tully, Vandall, Venable, Welch, and Williams—42.

#### RECONSIDERATION.

Pursuant to notice, Mr. Tully moved to reconsider the vote by which the House, on yesterday, ordered engrossed Assembly Bill No. 553, on which motion the ayes and noes were demanded by Messrs. Ferguson, Heald, and Terrill, and the House refused, by the following vote:

**AYES**—Messrs. Byers, Canfield, Carter, Clark, Coggins, Davis, Giffen, Hamill, Hay, Hill, Klotz, Knox, Northup, Pelham, Rea, Roush, Tully, Vandall, and Welch—19.

**NOES**—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Chandler, Cressler, Dixon, Escandon, Freidenrich, Ferguson, Gilmore of El Dorado, Gray, Gurnett, Hamitt, Heald, Howe, Kercheval, Long, McCallum, Meyers, Miller, Morgan, Northcutt, Patterson, Paulsell, Peek, Pishon, Rogers, Russell, Simpson, Snyder, Stowers, Terrill, Tinnin, Thomas, Venable, Wickware, and Winchell—41.

#### GENERAL FILE.

The House went into Committee of the Whole, and resumed consideration of Senate Bill No. 87.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Coggins, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

On the passage of Senate Bill No. 87, above reported from Committee

of the Whole, the ayes and noes were demanded by Messrs. Meyers, Ables, and Norton, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bryan, Burt, Byrnes, Carter, Chandler, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Heald, Howe, Ingham, Kercheval, Klotz, Knox, Long, McBride, Miller, Morgan, Murphy, Northcutt, Parker, Patterson, Peek, Roush, Russell, Simpson, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Williams, Winchell, and Mr. Speaker—50.

**NOES**—Messrs. Aldrich, Bowers, Byers, Canfield, Cowdery, Cressler, Franck, Giffen, Hammitt, Hay, Hill, McCallum, Meyers, Northup, Norton, Paulsell, Pelham, Pishon, Rea, Rogers, Simpers, Snyder, Swift, Venable, Welch, and Wickware—26.

Mr. Ables gave notice that, on to-morrow, he would move a reconsideration of the vote by which the House, to-day, passed Senate Bill No. 87.

#### SECOND SPECIAL ORDER.

Senate Bill No. 290—An Act to amend section one hundred and ninety of the Penal Code.

Passage refused.

Mr. Bowers gave notice that he would, to-morrow, move to reconsider the vote by which the House refused to pass the bill.

#### THIRD SPECIAL ORDER.

Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County.

On the motion of Mr. Cowdery to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Hill, Northup, and Long, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Burt, Byers, Cowdery, Cressler, Franck, Freeman, Ferguson, Gray, Hamill, Hammitt, Heald, Hurlburt, Knox, McCallum, Norton, Pishon, Rea, Roush, Simpers, Swift, Terrill, Welch, Wickware, Winchell, and Mr. Speaker—27.

**NOES**—Messrs. Amerman, Barton, Bowers, Bryan, Byrnes, Canfield, Carter, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hay, Hill, Ingham, Kercheval, Klotz, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Russell, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Venable, and Williams—46.

On the passage of the bill, the ayes and noes were demanded by Messrs. Norton, Terrill, and Burt, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Bryan, Byrnes, Canfield, Carter, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Hill, Ingham,

Kercheval, Klotz, Long, McBride, Meyers, Miller, Morgan, Murphy, Northeutt, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Russell, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Venable, and Williams—45.

NOES—Messrs. Aldrich, Bradley, Burt, Byers, Cowdery, Cressler, Franck, Freeman, Ferguson, Gray, Hamill, Hammitt, Heald, Howe, Hurlburt, Knox, McCallum, Norton, Pishon, Rea, Roush, Simpers, Swift, Terrill, Welch, Wickware, Winchell, and Mr. Speaker—28.

#### GENERAL FILE RESUMED.

Assembly Bill No. 542—An Act relating to the assessment of non-residents and unimproved land in the State of California.

Read a third time, and passed.

#### REPORTS.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco;

Also, Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 503—An Act legalizing the official acts of Constables in the County of Placer, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four;

Also, Assembly Bill No. 573—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six;

Also, Assembly Bill No. 584—An Act concerning the office of District Attorney in the City and County of San Francisco;

Also, Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern to erect county buildings;

Also, Assembly Bill No. 681—An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county;

Also, Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County;

Also, Assembly Bill No. 651—An Act ratifying and confirming action of the Common Council of the City of Oakland for the relief of J. N. Bailey;

Also, Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne;

Also, Assembly Bill No. 623—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to holders of certain bonds;

Also, Assembly Bill No. 591—An Act authorizing the County Auditor of the County of Santa Clara to provide himself with a seal;

Also, Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County *ex officio* Tax Collector, and the County Recorder *ex officio* Auditor;

Also, Assembly Bill No. 574—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession;

Also, Assembly Bill No. 403—An Act in relation to the Political Code;

Also, Assembly Bill No. 390—An Act to repeal Article XI of Chapter I, Title VI, of the Political Code;

Also, Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento;

Also, Assembly Bill No. 424—An Act to amend sections six hundred and sixty and six hundred and sixty-one of the Political Code;

Also, Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knights Landing, in the County of Yolo, and to regulate fares and freights thereon;

Also, Assembly Bill No. 53—An Act to appropriate moneys for the expenses of the Tide Land Commission;

Also, Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County;

Also, Assembly Bill No. 715—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino;

And that the same have, this twenty-fourth day of March, eighteen hundred and seventy-four, at two o'clock P. M., been delivered to the Governor, for his approval.

HAY, Chairman.

#### GENERAL FILE RESUMED.

Assembly Bill No. 588—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Read a third time, and passed.

Assembly Bill No. 644—An Act to provide for the erection and maintenance of a Branch State Prison near the Town of Folsom.

Passed on the File.

Assembly Bill No. 565—An Act to provide for the payment of certain indebtedness of the State to the late State Printer.

The House went into Committee of the Whole, for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Paulsell, the committee arose, reported the bill back, and recommended its indefinite postponement.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 565, above reported from the Committee of the Whole, was indefinitely postponed.

#### RESOLUTION.

By Mr. Tinnin:

WHEREAS, The time of the session of this Legislature is limited, and



it is important that bills shall be transmitted to the Senate as soon as possible; therefore,

*Resolved*, That the clerks are hereby directed to transmit to the Senate such bills that are passed as soon as possible, unless a notice of reconsideration is given immediately after final action on any bill.

Adopted.

#### REPORT.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, after consideration of a resolution of the House in relation to certain old unsettled accounts between certain counties and the State and also after an examination of the accounts of the Controller of State, and all the evidence obtainable on the subject from county officers, recommend that said accounts be practically closed by the passage of a bill herewith reported, authorizing the Controller of State to credit said counties with the amounts specified in said bill.

The committee also considered the following bills:

Senate Bill No. 452—An Act to provide for the collection of unpaid taxes due for the fiscal years eighteen hundred and seventy-two-three and eighteen hundred and seventy-three-four;

Senate Bill No. 414—An Act legalizing the State tax and assessment in the several counties in eighteen hundred and seventy-two-three;

Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain Funds;

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two;

Senate Bill No. 412—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof;

All of which bills are reported back to the House, with the recommendation that they pass.

FREEMAN, Chairman.

The bill above reported—An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State—was ordered to the head of the File for to-morrow.

#### INTRODUCTION OF BILL.

Mr. Norton had leave to introduce the following bill: An Act to amend the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

At four o'clock and forty-five minutes P. M., on motion of Mr. Murphy, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## INTRODUCTION OF BILLS.

Mr. Hurlburt had leave to introduce the following bill:

An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in the County of Humboldt, approved February twenty-eighth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Long—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Tully—An Act to change the name of the Town of New Republic to that of Santa Rita.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Dixon—An Act to amend an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 24th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-first day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 497—An Act to authorize the transfer, by order of the Board of Supervisors, of certain funds in the County of Shasta.

Also, passed Senate Bill No. 493—An Act to regulate official salaries in the County of Solano.

Also, on this day, passed Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year.

Also, passed Assembly Bill No. 638—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers, who are entitled to monthly payment from the State.

Also, on this day, passed, under suspension of the rules, and ordered transmitted without engrossment, Senate Bill No. 513—An Act to prevent shooting on private grounds in the County of Sacramento, in this State.

Also, passed Senate Bill No. 515—An Act to amend the Political Code.

Also, passed Senate Bill No. 516—An Act to authorize the Board of Supervisors of Los Angeles County to protect certain lands in El Monte Township against the overflow of San Gabriel River.

Also, passed Assembly Bill No. 708—An Act to incorporate the Town

of San Mateo, establish its boundaries, define its powers, and for other purposes.

Also, passed Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen.

Also, passed Senate Bill No. 472—An Act in relation to taxation of solvent debts, other than those secured by mortgage or other lien.

Also, passed Senate Bill No. 499—An Act to amend section six hundred and fifty-six of the Political Code.

Also, passed Senate Bill No. 374—An Act relative to the publication of amendments to the Codes.

Also, passed Senate Bill No. 500—An Act directing the payment of the claim of George Durand against Siskiyou County.

Also, passed Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

T. J. SHACKLEFORD,  
Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 426, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 472, above reported, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill No. 499, above reported, read first and second times, and referred to the Committee on Political Code.

Senate Bill No. 374, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 500, above reported, read first and second times, and referred to the Siskiyou delegation.

Senate Bill No. 435, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 516, above reported, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill No. 515, above reported, read first and second times, and referred to the Committee on Political Code.

Senate Bill No. 513, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 497, above reported, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill No. 493, above reported, read first and second times, and referred to the Solano delegation.

#### GENERAL FILE.

Assembly Bill No. 641—An Act to add another section to the Penal Code.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 698—An Act to regulate the salary of the District Judge of the Third Judicial District.

Substitute adopted, read a third time, and passed.

Assembly Bill No. 556—An Act to authorize C. H. Reynolds to sue the State of California, and provide for the payment of any judgment which he may obtain.

On the motion to indefinitely postpone the bill, the ayes and noes were

demanding by Messrs. Miller, Swift, and Ables, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Fahey, Freeman, Freidenrich, Ferguson, Gray, Hay, Heald, Hill, Hurlburt, Ingham, Kercheval, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northrup, Norton, Patterson, Paulsell, Pelham, Pishon, Rea, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Thomas, Welch, Williams, and Winchell—51.

**NOES**—Messrs. Aldrich, Cowdery, Franck, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Howe, Klotz, Northcutt, Parker, Peek, Rogers, Terrill, Tinnin, Tully, Vandall, Venable, Wickware, and Mr. Speaker—20.

**Assembly Bill No. 289**—An Act to license the business of underwriting, and to regulate the rates of premiums.

Indefinitely postponed.

**Assembly Bill No. 388**—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California.

Rules suspended, the bill considered engrossed, read a third time, and passed.

**Assembly Bill No. 528**—An Act concerning double assessments of property for taxes for the fiscal year.

Indefinitely postponed.

**Assembly Bill No. 661**—An Act authorizing and requiring the State Treasurer to commence and prosecute civil actions, on behalf of the State of California, against certain Trustees of the State Normal School.

Indefinitely postponed.

**Assembly Bill No. 296**—An Act to provide for a permanent Law Commission.

Indefinitely postponed.

**Assembly Bill No. 152**—An Act to create the office of Bank Commissioner, and to prescribe his duties and powers.

Re-referred to the Judiciary Committee.

**Assembly Bill No. 401**—An Act in reference to foreign insurance companies doing business in this State.

Passed on the File.

#### SPECIAL ORDER.

At seven o'clock and thirty minutes P. M., the Speaker announced the special order to be the consideration of charges made against Charles P. Converse.

The Sergeant-at-Arms produced the prisoner before the bar of the House.

The Clerk read the testimony taken in committee, when Mr. Williams offered the following resolution:

WHEREAS, on the twentieth day of March, eighteen hundred and seventy-four, the Assembly being then in session, a complaint was made and entered in the Journal of the Assembly, charging and setting forth that Charles P. Converse had been guilty of a contempt and breach of the privileges of the Assembly; and whereas, by order of the Assembly, said Charles P. Converse was arrested, and, on the twenty-first day of

March, eighteen hundred and seventy-four, brought to the bar of the Assembly, and thereupon denied the charges; and whereas, by order of the Assembly, the evidence relating to said charges, as taken and submitted to the Assembly, and the said Charles P. Converse being present at the bar of the Assembly, and having made and submitted his defense, and the Assembly having considered the charges and evidence, be it, therefore,

*Resolved*, That Charles P. Converse is hereby adjudged to be guilty of a contempt and breach of the privileges of the Assembly, affecting its honor, dignity, purity, and efficiency; and that for such contempt and breach of privilege the said Charles P. Converse be imprisoned in the County Jail of Sacramento County for a period of six days; and that said Charles P. Converse be forthwith delivered into the custody of the Sheriff of Sacramento County, by the Sergeant-at-Arms of the Assembly, together with a proper commitment, to be signed by the Speaker of the Assembly, which, among other things, shall recite this resolution.

On the adoption of the resolution, the roll was called, and the resolution was adopted, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cressler, Davis, Escandon, Freidenrich, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Howe, Hurlburt, Ingham, Knox, Long, McBride, McCallum, Miller, Morgan, Northup, Norton, Patterson, Paulsell, Pelham, Pishon, Rogers, Roush, Simpers, Simpson, Stowers, Summers, Swift, Terrill, Tinnin, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—52.

**NOES**—Messrs. Barton, Ferguson, Peek, Rea, Snyder, Thomas, and Tully—7.

#### RESOLUTIONS.

By Mr. Bowers:

*Resolved*, That Rule Seventy be suspended until March thirtieth.

Laid on the table, under the rules.

By Mr. Freidenrich:

*Resolved by the Assembly, the Senate concurring*, That Joint Rule Number Fifteen be and the same is hereby suspended, and of no binding force during this session.

Laid on the table, under the rules.

#### REPORT.

By Mr. Welch:

**MR. SPEAKER**: The Napa County delegation, to whom was referred Senate Bill No. 413—An Act for the relief of M. B. Pond—beg leave to report the same back, and recommend its passage.

**WELCH**, for Delegation.

Senate Bill No. 413, above reported, rules suspended, bill read a third time, and passed.

## INTRODUCTION OF BILL.

By Mr. Gray—An Act granting leave of absence to the County Treasurer of Butte County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

## GENERAL FILE RESUMED.

Senate Bill No. 491—An Act to amend and revise an Act entitled an Act to incorporate the Town of Redwood, approved March twenty-seventh, eighteen hundred and sixty-eight, and the several Acts amendatory of and supplementary thereto, and for other purposes.

Read a third time, and passed.

Assembly Bill No. 600—An Act to amend section three thousand five hundred and eighty-four of the Political Code.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Senate Bill No. 390—An Act to abolish the attorneys' fees and other charges in savings banks.

Amended, read a third time, and passed.

Senate Bill No. 450—An Act to amend the Penal Code concerning the examination of persons accused of crime before committing magistrates. Substitute adopted, read a third time, and passed.

At nine o'clock and twenty minutes P. M., on motion of Mr. Northup, the House adjourned.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
Wednesday, March 25th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Reading of yesterday's Journal dispensed with, and Journal approved without reading.

## MOTIONS.

On motion of Mr. Cowdery, Senate Bill No. 264—An Act relating to mutual beneficial and relief associations—taken up out of its order, read a third time, and passed.

At ten o'clock and seven minutes A. M., Mr. Cowdery moved to adjourn. Lost.

## REPORTS.

Reports were submitted as follows:

By Mr. Kercheval:

MR. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Assembly Bill No. 703—An Act to legalize certain proceedings in Swamp Land Districts Numbers Sixteen, Forty-five, and Forty-eight, in Tulare County—report that they have considered the same, and report the bill back, and recommend that it be indefinitely postponed.

R. KERCHEVAL,  
Chairman.

Assembly Bill No. 703, above reported, taken up, and indefinitely postponed.

By Mr. Gray:

MR. SPEAKER: The Committee on Public Lands, to whom was referred Senate Bill No. 425—An Act to release the claim of the State of California to certain lands—report the same back, without recommendation.

GRAY, Chairman.

By Mr. Burt:

MR. SPEAKER: Your committee to whom was referred the resolution asking for an investigation as to the fulfillment of certain conditions on the part of the Central Pacific Railroad Company in a contract made between said railroad company and the State of California, in April, eighteen hundred and sixty-four, whereby the latter agreed to pay the interest on one and a half million dollars of said company's bonds, beg to submit the following report:

Your committee have made the investigation as thorough as the short time allowed would admit of, having examined seventeen witnesses orally, besides taking various documentary evidence, a transcript of which testimony is herewith submitted. We find:

First—That the said railroad company has failed almost wholly to comply with that part of the contract requiring them to convey "all public messengers over their road," though in our opinion such failure is owing to a want of proper understanding between the State officials and the railroad company as to who are entitled to a free passage over the road as such public messengers, and not from any disposition on the part of the railroad company to evade that provision of the contract. We find, further, that where public messengers have been conveyed over said road, such messengers, and not the State, have derived the full benefits resulting therefrom. We have therefore instructed our Chairman to introduce a bill defining public messengers, and requiring the State Board of Examiners to deduct from the allowances made to such messengers, as traveling expenses, such amounts as the State may be entitled to for free passage over said road.

Second—We find that said railroad company have, and do, convey prisoners and insane patients over their said road, between Sacramento and the State line, but refuse to convey them over any other portions of their road, claiming that they are not bound to do so by the Act of eighteen hundred and sixty-four, though at the date of the passage of said Act we find that said company owned the franchise and had the

right to construct a road to the waters of San Francisco Bay; that they assigned said franchise and all rights and privileges to the Western Pacific Railroad Company, on the thirty-first of October, eighteen hundred and sixty-four, and that Congress confirmed said assignment on the eighth of March, eighteen hundred and sixty-five; that said Central Pacific Railroad Company repurchased said entire Western Pacific Railroad, in eighteen hundred and sixty-nine, and that it now constitutes a part of said Central Pacific Railroad. As to whether the conditions of the Act of eighteen hundred and sixty-four should and do extend over that portion of said railroad known as the Western Pacific Railroad, is a legal question, upon which your committee are unable to agree, and would recommend that the matter be referred to the Attorney General, with instructions to have the same properly adjudicated.

Third—We find that the said railroad company have given a very liberal construction to the portion of said Act requiring the conveyance of all articles designed for exhibition to and from the State Agricultural Fair, having conveyed the same over the Central Pacific Railroad, and all its branches, and upon their lines of steamers, free of charge.

Fourth—As to the half section of land containing valuable quarries of granite, situated near Rockland, in Placer County, and which said railroad company agreed to deed to the State on obtaining a patent therefor, we find that one Elisha Hawes had preempted one half of said half section, by making the necessary filings in the United States Land Office for the district, in eighteen hundred and fifty-seven, and obtained a patent therefor in eighteen hundred and seventy one, and that said railroad company had no claim upon said quarter section at the time of the passage of said Act of eighteen hundred and sixty-four; that as to the other quarter section, we find that the railroad company have never yet obtained any patent therefor, and from the evidence before us, it is doubtful if they have ever taken any steps to do so. We find, also, that one S. D. Smith, a contractor with the State Capitol Commissioners, acquired certain possessory rights to the quarries situated thereon, which he assigned to D. O. Mills & Co., who now hold the same, and claim an equitable right to do so until they and others are reimbursed in the sum of thirty-five thousand dollars, on account of the failure of said State Capitol Commissioners to comply with the terms of a contract entered into with said S. D. Smith for the furnishing of stone from said quarry for the State Capitol building.

S. B. BURT, Chairman.

#### RESOLUTIONS.

By Mr. Burt:

*Resolved*, That the State Board of Examiners be requested to file with the Board of Directors of the Central Pacific Railroad Company, a list of such officers and persons as shall be held to be State Messengers, for the purposes contemplated by the provisions of an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Adopted.



By Mr. Burt:

*Resolved by the Assembly, the Senate concurring, That the Governor be requested to instruct the Attorney General to adopt such measures as may become necessary to test the liability of the Central Pacific Railroad Company to convey prisoners, insane persons, and State messengers, free of charge, over that portion of the Central Pacific Railroad formerly known as the Western Pacific Railroad, in compliance with the provisions of an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.*

Adopted.

#### INTRODUCTION OF BILL.

Mr. Burt had leave to introduce the following bill: An Act supplementary to an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Read first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow.

#### REPORTS.

Reports were made as follows:

By Mr. Hurlburt:

MR. SPEAKER: The Humboldt, Del Norte, and Siskiyou delegations, to whom was referred Senate Bill No. 507—An Act to annex the territory comprised in the present County of Klamath to the Counties of Humboldt and Siskiyou—report the same back, and recommend its passage.

HURLBURT, for Delegations.

By Mr. McBride:

MR. SPEAKER: The Siskiyou delegation, to whom was referred Senate Bill No. 500—An Act directing the payment of the claim of George Durand, against Siskiyou County—report the same back, and recommend its passage.

MCBRIDE, for Delegation.

By Mr. Welch—from the Committee on Public Buildings and Grounds, relative to charges of mismanagement and fraud and corruption against the Board of Regents of the State University.

Reading dispensed with, and two hundred and forty copies ordered printed, out of its order.

[For report, see Appendix.]

By Mr. Murphy:

MR. SPEAKER: Your committee to whom was referred Assembly resolution, "to take into consideration the subject of land monopoly, and to offer some remedy therefor," beg leave to report that the influence of

land monopoly on the welfare of a people has ever been of a character the most injurious. Our own State has felt its blight so severely that the people are almost unanimous in protesting against it, while the press, without an exception, we may say, call loudly upon us for such action as may best not only check the growth of this evil, but shall ultimately exterminate it.

Land is as much the support of animal and vegetable life as water or air. Without either, no living thing could be, and land is, therefore, one of the primal necessities of human existence. Land cannot be created by man—there is only so much of it in a nation, and that amount may not be increased—hence those who own the soil of any country make all others who live therein pay tribute for the liberty of remaining in their native land.

This tribute is generally demanded in the form of rents, as in the British, German, Italian, and other European nations, and is the foundation and sole maintenance of the aristocracies of those countries, who, without manual labor or mental effort, riot in affluence, while those who till the soil, and who produce all material for food and raiment, often cannot get enough food to support life. But this noxious system is, we are told, of the Old World, and belongs not to the New. Here it would not be tolerated, and here it can never exist. The aristocrats, who are the land monopolists of those countries, are also the law makers, and have invented the policy of entail and primogeniture, to retain those great possessions forever in the family.

Did ever those who use this argument in defense of land monopoly in the United States, consider that, with the exception of this law of entail and primogeniture, our land laws are but a copy of the European laws? While here, the domain can be kept from the eldest son and may be divided among all the children, or given to none of them, there is nothing to prevent the eldest or youngest from having all, and adding to it ten or fifty or a hundred times as much. In Europe this addition can rarely, if ever, be made, for there the monopolist cannot sell beyond his own lifetime—hence, no seller, no purchaser. But here land is for sale always, and there is no limit to the acres, or the townships, or the counties, a person may own.

Land having been made by our common Father in Heaven, for the sustenance and comfort of all his children, just as for this purpose he created the air we breathe and the water we drink, it should not be a subject of monopoly any more than water or air; and nothing could appear more preposterous than for capitalists to measure off the air, if that were possible, and charge all others, or those who come into the world after them, a tribute for breathing—yet they have just as much natural right to charge man for breathing the air as for living on the land. But we do not undertake to cast any reflections upon those who have, in this State, acquired large landed possessions in a legal manner. Here the people are the law makers, and if a wrong like this is permitted, the fault is theirs alone. It is the unjust system which we object to—a system copied from the feudal ages, when the Barons or military chieftains owned not only the soil, but the people who lived upon it, and who were a part of their possessions as much as their acres.

The annual rent roll of the Kingdom of Great Britain and Ireland amounts, as per best estimates, to seven hundred and thirty million, equal to one third of our national debt, which sum is divided among fifty thousand landlords, ten thousand of whom receive more than half the sum. This vast sum, forced by fraud from the thirty-one million

population of these isles, is twenty-three dollars and fifty cents per capita, which they pay every year for the privilege of living in their native land, and this, too, in addition to general and local taxes. But this system can never prevail here, says one. Why not? What is there to prevent it? Already, in California, young as the State is, new in her civilization and sparsely populated, we have among us men who lord it over as many acres as the greatest of these European lords.

The entire area of the kingdom named is but one hundred and twenty-one thousand square miles, which would give the fifty thousand landlords but one thousand five hundred and forty-nine acres, or less than two and a half square miles each; while the great State of California contains one hundred and fifty-nine thousand square miles, and has already upon her surface, according to the report of the State Board of Equalization for eighteen hundred and seventy-three, one hundred and twenty-two land holders, each of whom owns twenty thousand acres and upwards; sixty-seven of whom own an average of seventy-three thousand acres, or one hundred and fourteen square miles each; one hundred and fifty-eight who own ten thousand acres each, and not exceeding twenty thousand; two hundred and thirty-six who own five thousand acres each, and not exceeding ten thousand; one hundred and four persons who own four thousand acres, and not exceeding five thousand, each; one hundred and eighty-nine who own three thousand acres each, and not exceeding four thousand; three hundred and sixty-three who own two thousand acres each, and not exceeding three thousand; one thousand one hundred and twenty-six who own over one thousand acres each, and not exceeding two thousand acres. In all, two thousand three hundred and twenty-five persons who, according to the calculation made by the *Sacramento Record*, own sixteen million eight hundred and ninety thousand six hundred and fifty acres, being an average of seven thousand two hundred and sixty-five acres, or eleven and one fifth square miles, each—being an average holding of more than four times as much as the average holding of the British landlords.

The population of California is set down in the census of eighteen hundred and seventy, at five hundred and sixty thousand two hundred and forty-seven; hence, one person in every two hundred and forty one of our inhabitants owns seven thousand two hundred and sixty-five acres in his own right, while in that land monopoly-ridden country of Great Britain and Ireland, there is but one land monopolist to six hundred and twenty of its population, and he averages but one thousand five hundred and forty-nine acres. At this rate, while the area of the United Kingdom of Great Britain and Ireland, with its one hundred and twenty-one thousand square miles, is owned by fifty thousand landlords, the State of California, with its greater area of one hundred and fifty-nine thousand square miles, would be owned by fourteen thousand and seven landlords. If the British land owners held in as large tracts as the California monopolists, the soil of that kingdom would be owned by ten thousand six hundred and fifty-nine persons. This shows that land monopoly in California is nearly five times greater than in Great Britain.

This chief curse of civilization, upon which all minor monopolies are founded, is fast attaining such vast proportions in California, that it promises to soon become so powerful as to defy opposition, just as it defies all attempts to curb it in the Old World.

But we may be told that the evil came down to California from our treaty with Mexico, which bound us to maintain in their rights the

grantees of that government. To some extent this is true; yet the largest holdings are now in the San Joaquin Valley, on land over which there was no foreign grant. The evil, then, comes not from Mexico, but from ourselves—from our bad system of land laws, which your committee propose to radically correct, as it must be apparent to all that they should be corrected. That this public wrong should be abated, all thoughtful men, not interested in its perpetuation, will freely admit; but there may be much difference as to the mode of attaining that end.

Among the several plans proposed for striking at the root of the evil (for we do not propose, here, to discuss temporary remedies, such as calling in the payments for swamp and other lands sold by the State—which, however, we think ought to be done—as your resolution under which we are acting evidently contemplates permanent relief), are graduated taxation, the policy of making land pay all the expenses of government, and land limitation. Either of these might be effective in bringing about, in time, the desired result. The two former would require amendments to the Constitution, declaring the fact, or empowering the Legislature to declare it, while we can see nothing in that instrument inhibiting land limitation. Indeed, so far as corporations are concerned, the laws of California now "limit" the amount of land they may hold, and to apply this just principle to individuals also, could not work a hardship on any. We would not propose to disturb any one in his possessions—permitting each to hold whatever land he may possess at the date of the Act taking effect, while he lives, if he so choose, and after his death, allowing five years for his heirs to dispose of the surplus.

Thus, in a generation, land monopoly would be extinguished, without injury to any, and with benefit to all. These large possessions, now such an incubus upon the energy and prosperity of the State, would crumble away, from day to day, gradually, as men die, until in, say twenty-five years, there would be scarcely one land monopolist within our borders.

But lest any law passed by this Legislature to prohibit land monopoly might be repealed by a succeeding one, we suggest and herewith recommend certain amendments to the Constitution; one limiting the amount of land any person may hereafter become possessed of and control, and another requiring graduated taxation upon land.

At present there are bills pending in Congress providing for the sale of the timber and grazing lands of California, and the people seem anxious that these lands shall be so guarded as to prevent monopolization, and to this end their authors have inserted clauses prohibiting any person from purchasing more than six hundred and forty acres of either, and making him swear, under heavy penalties for perjury, that he purchases it for his own sole use and benefit, and that he has no understanding, direct or implied, to purchase for another. This is, perhaps, all the guard that Congress can now establish towards preventing monopoly of the lands in question; but we submit that the object cannot be thus accomplished. Men can be found who will swear falsely for hire; and even if subornation were impossible, there is nothing in the law in question, or in any law, inhibiting one man, or a company, from purchasing from others ten thousand, one hundred thousand, or one million acres of this land, and doubling or trebling the price of timber in a short time.

Timber is used in all commercial undertakings, as building a house, a boat, a bridge, a railroad, in making a wagon, plow, harrow, spade,

shovel, or any farming utensil; in making sidewalks, streets, furniture; in fact, like iron, it is indispensable to civilization. We cannot get timber from abroad, save at enormous prices for freight, hence we must rely on our home supply. By the purchase of the frontier timber lands, those near streams or other means of communication, two million dollars properly handled, might, in a short time, monopolize the timber trade of the coast, and all the people would have to pay advanced prices for that article, as timber cannot be grown in much less than a quarter of a century. It becomes, therefore, as we view it, the absolute duty of the people's representatives in this Legislature, chosen on an anti-monopoly basis, to protect the public from this impending danger, by declaring now, before the Government has parted with these timber or grazing lands, that no person shall own or hold more than six hundred and forty acres of the former, nor more than one thousand two hundred and eighty acres of the latter; and accompanying this report we present a bill having this object in view. If, after consideration by this House, it shall be deemed advisable to make it applicable to agricultural lands as well, that object can be easily accomplished; but your committee thought it prudent not to hamper it thus, lest it might meet with opposition from that quarter, and thus defeat their object in having a law passed now to prevent the monopolization of the timber and grazing lands, which we deem in danger (especially the best timber lands) of being gobbled up by a few speculators within a short time after they shall be put upon the market.

Your committee have examined a large number of witnesses in relation to land matters generally, which we report back for the consideration of the Legislature, and the people of the State. We would recommend the passage of Senate Bill No. 460—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California and of the United States, within the State of California—inasmuch as your committee have not the time to complete the investigation, being necessitated to attend to their other legislative duties.

All of which is respectfully submitted.

JAS. E. MURPHY, Chairman.

Reading dispensed with, and ordered printed.

On motion of Mr. Meyers, it was ordered that the testimony before the Committee on Land Monopoly be not printed.

Assembly Bill No. 425, which accompanied the report from the Committee on Land Monopoly, was ordered on File.

#### RESOLUTION.

By Mr. Tinnin:

*Resolved*, That the usual number of copies be printed of the report of the Select Committee on Game and Fish, upon the joint resolution of the State of Nevada, and petition from citizens of Truckee Meadows.

Adopted.

[For report, see Appendix.]

## REPORTS.

By Mr. Barton:

Mr. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 484, and report the same back, with an amendment, recommending its passage as amended.

Also, have had under consideration Senate Bill No. 513, and report the same back, and recommend that it do not pass.

BARTON, for Delegation.

Senate Bill No. 484, above reported, amended, read a third time, and passed.

Senate Bill No. 513, above reported, passage refused.

By Mr. Simpson:

Mr. SPEAKER: The Colusa delegation, to whom was referred Senate Bill No. 456—An Act to legalize certain conveyances, leases, and other instruments in writing, affecting certain real estate in Colusa County—beg leave to report that they have considered the same, and respectfully report the same back, and recommend its passage.

SIMPSON, for Delegation.

Senate Bill No. 456, above reported, read a third time, and passed.

By Mr. Simpson:

Mr. SPEAKER: The Colusa and Tehama delegation, to whom was referred Senate Bill No. 478—An Act to amend an Act to protect agriculture, and to prevent the trespassing of animals in the County of Colusa, approved March twenty-eighth, eighteen hundred and seventy-two—beg leave to report that they have considered the same, and respectfully report it back, and recommend its passage.

SIMPSON, for Delegation.

Senate Bill No. 478, above reported, read a third time, and passed.

Ordered that two hundred and forty copies be printed of the testimony on the trial of Charles P. Converse.

## RESOLUTION.

By Mr. McCallum:

*Resolved*, That S. C. Houghton be allowed thirty-five dollars for services rendered in taking and transcribing the testimony in the investigation of the charges preferred against Charles P. Converse, and that the same be paid out of the Contingent Fund of the Assembly.

Adopted.

The resolution introduced yesterday by Mr. Bowers, to suspend Rule Seventy, was taken up, and the House refused to adopt it.

## REPORT.

By Mr. Vandall:

Mr. SPEAKER: Your Committee on Public Printing, to whom was referred the resolution in reference to the alleged fraud in obtaining copies

of the majority and minority reports of the Committee on Counties and County Boundaries, beg leave to report that they have carefully examined into the matter, and find that no fraud has been contemplated nor committed; that the said reports were public documents, not committed to the State Printer under any injunction of secrecy by any person or persons who had authority to give such instructions; and your committee further find that the foreman of the State Printing Office, in allowing the proof sheets of said reports to go out of his possession, was only following a rule established by the State Printer, that everybody connected with the office should show the members and attaches of the Legislature every courtesy in their power, and facilitate their labors in every respect possible; and your committee find that no harm in this matter was intended, and no harm was done, either by the State Printer or his employés.

VANDALL, Chairman.

#### RESOLUTION.

By Mr. Murphy:

*Resolved*, That the members of the Assembly will have the privilege of inviting friends upon the floor of this House, Rule Seventy to the contrary notwithstanding.

Laid on the table for one day, under the rules.

#### RECONSIDERATION.

Mr. Bowers, pursuant to notice, moved to reconsider the vote by which the House, yesterday, refused to pass Senate Bill No. 290.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Bowers, Cressler, and McBride, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bryan, Byers, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Escandon, Fahy, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Higbie, Ingham, Knox, Long, McBride, McCallum, Meyers, Morgan, Northup, Parker, Peek, Pelham, Pishon, Rea, Russell, Simpson, Stowers, Swift, Thomas, Tully, Vandall, Venable, Wickware, and Winchell—47.

**NOES**—Messrs. Bradley, Burt, Clark, Cowdery, Freeman, Hamill, Hill, Hurlburt, Kercheval, Norton, Patterson, Rogers, Roush, Simpers, Snyder, Summers, Terrill, Tinnin, Welch, Williams, and Mr. Speaker—21.

On the passage of the bill, the ayes and noes were demanded by Messrs. Barton, Bowers, and Aldrich, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bryan, Byers, Canfield, Chandler, Coggins, Cressler, Franck, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Higbie, Ingham, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Parker, Pishon, Rea, Russell, Stowers, Swift, Tully, Vandall, Venable, Wickware, and Winchell—38.

NOES—Messrs. Bradley, Burt, Clark, Cowdery, Davis, Dixon, Fahey, Freeman, Giffen, Hamill, Hay, Hill, Howe, Hurlburt, Kercheval, Klotz, Norton, Peek, Pelham, Rogers, Roush, Simpers, Snyder, Summers, Terrill, Tinnin, Thomas, Welch, Williams, and Mr. Speaker—30.

# RESOLUTION.

By Mr. Snyder:

*Resolved by the Assembly, the Senate concurring, That Professor Whitney, late State Geologist, be and he is hereby requested to return to the State of California all specimens collected by him during his official term as such State Geologist; and that they be placed in possession of the Faculty of the State University, for the use and benefit of said University.*

Adopted.

# REPORTS.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, having had under consideration Assembly Bill No. 711—An Act to protect litigants and others in the publication of legal and other notices—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 713—An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds—report the same back amended, and recommend its passage as amended.

Also, Assembly Bill No. 726—An Act to provide for the completion of the map of Central California—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 714—An Act to make appropriation for fitting up the Governor's Mansion for the purposes of using portions thereof as a State Printing Office and State Armory—report the same back amended, and recommend its passage as amended.

FREEMAN, Chairman.

By Mr. Roush:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 634—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

Also, Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment.

Also, Assembly Bill No. 680—An Act making Senate Bill No. 127—to promote irrigation in Los Angeles County—supplemental to Assembly Bill No. 172—to provide a system of irrigation—so far as relates to the County of Los Angeles.

Also, Assembly Bill No. 691—An Act to provide for the preservation of the material of the Geological Survey of the State of California.

Also, Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness.

Also, Assembly Bill No. 702—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.



Also, Assembly Bill No. 705—An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Also, Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-one, approved April fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 664—An Act to amend section two thousand seven hundred and twenty-five of the Political Code.

Also, Assembly Bill No. 589—An Act to amend section four thousand and twenty-seven of the Political Code.

Also, Assembly Bill No. 576—An Act to amend sections one thousand and twenty-eight, four thousand three hundred and thirty-three, and two thousand two hundred and twenty-one of the Political Code.

Also, Assembly Bill No. 694—An Act abolishing the City Hall Commission, of the City and County of San Francisco, and providing for the construction of the building.

Also, Assembly Bill No. 716—An Act to confer additional powers on the Board of Supervisors of San Joaquin County.

WM. ROUSH, for Committee.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 25th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 520—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two.

Also, amended and passed Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 520, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly Bill No. 648, above reported, Senate amendments concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Rogers—An Act to amend section three thousand and five of the Political Code.

Rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Terrill—An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes.

Read first and second times, and referred to the San Francisco delegation.

[Speaker pro tem., Mr. Howe, in the chair.]

By Mr. Tully—An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Ferguson—An Act to permanently locate the county seat of Fresno County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Coggins—An Act supplemental to an Act to establish a paid fire department of the City of Sacramento, approved April first, eighteen hundred and seventy two.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Pishon—An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges over the River Santa Anna, and to issue bonds for the payment of the same.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Hay—An Act to authorize the Supervisors of Santa Clara County to exempt firemen from payment of poll taxes for county purposes.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Williams—An Act to amend section one thousand six hundred and one of the Code of Civil Procedure.

Read first and second times, and referred to the Judiciary Committee.

By Mr. Northcutt—An Act supplementary to an Act entitled an Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county, approved March eleventh, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

#### RESOLUTION.

By Mr. Pelham:

*Resolved*, That S. Addison and Charles Welty be allowed one dollar per day each for services performed by them in the capacity of Door-keeper of the Assembly, from the commencement to the close of the

twentieth session of the Legislature, payable out of the Contingent Fund of the Assembly, and the Controller is hereby directed to draw his warrant in favor of each for the amount herein allowed, and the Treasurer to pay the same.

Referred to the Committee on Rules and Employés.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Simpson—An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Also, an Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

#### RESOLUTION.

By Mr. Murphy:

WHEREAS, John S. Wilkins, having been elected to the position of Rear Porter of the Assembly, and section four hundred and twelve of the Political Code provides certain duties for the employés of the Secretary of State; and whereas, said Wilkins has performed duties outside of the position to which he was elected; therefore, be it

*Resolved*, That the said John S. Wilkins be and he is hereby allowed the sum of ninety dollars for compensation for extra services performed, and the State Controller is authorized and directed to draw his warrant on the Contingent Fund of the Assembly, in favor of John S. Wilkins, for the sum of ninety dollars, and the State Treasurer is directed to pay the same.

Referred to the Committee on Rules and Employés.

#### GENERAL FILE.

Senate Bill No 434—An Act to amend sections six hundred and sixteen and six hundred and seventeen of the Political Code.

Amended, read a third time, and passed.

Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State. Ordered to head of File for to-morrow.

At twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

The House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## RESOLUTION.

By Mr. Parker:

*Resolved*, That the Engrossing Clerk is hereby authorized and instructed to insert the enacting clause in Assembly Bill No. 735—An Act to extend the provisions of the trespass law of Fresno, Tulare, and Kern, over the County of Inyo.

Adopted.

The Speaker presented the following commitment and return in the case of Charles P. Converse, and ordered the same spread upon the Journal:

STATE OF CALIFORNIA, LEGISLATIVE DEPARTMENT, }  
SACRAMENTO, March 24th, 1874. }

To W. M. CRUTCHER, *Sergeant-at-Arms of the Assembly of the State of California*:

The accompanying resolution was this day adopted by the Assembly of said State.

M. M. ESTEE,  
Speaker of the Assembly of the State of California.

Attest: D. T. LOOFBOURROW,  
Chief Clerk.

WHEREAS, On the twentieth day of March, eighteen hundred and seventy-four, the Assembly being then in session, a complaint was made and entered in the Journal of the Assembly, charging and setting forth that Charles P. Converse had been guilty of a contempt and breach of the privileges of the Assembly; and whereas, by order of the Assembly, said Charles P. Converse was arrested, and, on the twenty-first of March, eighteen hundred and seventy-four, brought to the bar of the Assembly, and thereupon denied the charge; and whereas, by order of the Assembly, the evidence relating to said charges was taken and submitted to the Assembly, and the said Charles P. Converse being present at the bar of the Assembly, and having made and submitted his defence, and the Assembly having considered the charges and evidence; be it, therefore,

*Resolved*, That Charles P. Converse is hereby adjudged to be guilty of a contempt and breach of the privileges of the Assembly, affecting its honor, dignity, purity, and efficiency, and that for such contempt and breach of privilege, the said Charles P. Converse be imprisoned, in the County Jail of Sacramento County, for a period of six days, and that said Charles P. Converse be forthwith delivered into the custody of the Sheriff of Sacramento County, by the Sergeant-at-Arms of the Assembly, together with a proper commitment, to be signed by the Speaker of the Assembly, which, among other things, shall recite this resolution.

The foregoing is hereby certified to be a correct copy of a resolution adopted by the Assembly, on the twenty-fourth of March, eighteen hundred and seventy-four.

M. M. ESTEE,  
Speaker of the Assembly of the State of California.

Attest: D. T. LOOFBOURROW,  
Chief Clerk.

OFFICE OF THE SERGEANT-AT-ARMS OF THE ASSEMBLY }  
OF THE STATE OF CALIFORNIA.

I hereby certify and return that I have executed the within order and resolution, by delivering Charles P. Converse into the custody of H. M. Larue, Sheriff of Sacramento County, State of California, on the twenty-fourth of March, eighteen hundred and seventy-four.

W. M. CRUTCHER,  
Sergeant-at-Arms of the Assembly of the State of California.

SPECIAL ORDER.

The Speaker announced the special order to be the consideration of Assembly Bill No. 643—Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127, and 232—proposed amendments to the Constitution of the State of California.

On motion of Mr. Swift, made the special order for to-morrow, at one o'clock P. M.

GENERAL FILE.

Assembly Bill No. 644—An Act to provide for the erection and maintenance of a Branch State Prison, near the Town of Folsom.  
Passed on the File.

MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, eighteen hundred and seventy-four, passed Senate Bill No. 519—An Act relative to a special school tax in the Sutter School District—and ordered the same transmitted without engrossment.

Also, on this day, passed Senate Bill No. 510—An Act to add to the Penal Code certain sections, punishing telegraphic corporations for making discriminations in their charges—and ordered the same transmitted without engrossment.

Also, passed Senate Bill No. 512—An Act to provide for the construction of a railroad from the Bay of San Luis Obispo, in the County of San Luis Obispo, to the Town of San Luis Obispo; thence, by the way of the Corral de Predra and Nipoma Rancho, to Santa Maria, in the County of Santa Barbara—and ordered the same transmitted without engrossment.

Also, adopted Senate Concurrent Resolution No. 62—authorizing the Enrolling Clerk to correct Senate Bill No. 301.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 340—An Act to provide funds for the City of Oakland.

Also, passed Assembly Bill No. 522—An Act to repeal an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and three.

Also, passed Assembly Bill No. 531—An Act to authorize the Board of Supervisors of Fresno County to issue bonds for building purposes.

Also, amended and passed Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites, etc.

Also, passed Assembly Bill No. 619—An Act to amend an Act relating to the herding of sheep and goats in the Counties of Sonoma and Marin, and other Acts relating thereto.

Also, passed Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono.

Also, passed Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

Also, passed Assembly Bill No. 699—An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff ex officio Tax Collector.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 508—An Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof—and ordered transmitted without engrossment.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 729—An Act giving consent of the Legislature to W. H. Hill, County Clerk of El Dorado County, leave of absence not to exceed ninety days.

Also, passed Assembly Bill No. 499—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

Also, passed Assembly Bill No. 645—An Act for the protection of coal mines and coal miners.

Also, passed Assembly Bill No. 734—An Act supplemental to an Act to provide for the construction of certain wagon roads in Humboldt County, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, indefinitely postponed Assembly Bill No. 629—An Act to amend section thirteen hundred and twenty-nine of the Penal Code.

Also, indefinitely postponed Assembly Bill No. 542—An Act relating to the assessment of non-residents and unimproved land in the State of California.

Also, indefinitely postponed Assembly Bill No. 479—An Act to amend section thirty-eight hundred and sixty of the Political Code.

Also, indefinitely postponed Assembly Bill No. 449—An Act to amend section twelve hundred and thirty-eight of the Code of Civil Procedure.

Also, indefinitely postponed Assembly Bill No. 239—An Act to provide for the sale of the Codes, Statutes Continued in Force, and the reports of the Supreme Court.

Also, indefinitely postponed Assembly Concurrent Resolution No. 1—to representatives in Congress to procure the repeal of import duty on burlaps and grain and wool sacks.

Also, indefinitely postponed Assembly Concurrent Resolution No. 14—relative to coolie labor in this State.

Also, indefinitely postponed Assembly Bill No. 338—An Act to authorize the City of Santa Rosa to borrow money.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 519, above reported, rules suspended, bill read a third time, and passed.

Senate Bill No. 512, above reported, read first and second times, and referred to the San Luis Obispo delegation.

Senate Concurrent Resolution No. 62, above reported, ruled out of order by the Speaker, for the reason that it makes a change in the bill, and therefore is legislating by resolution instead of by bill, as required by law and parliamentary rules.

#### RESOLUTION.

Mr. Terrill offered the following resolution:

*Resolved*, That the Senate be requested to return, temporarily, Senate Bill No. 301, for the purpose of examining the same in relation to Senate Concurrent Resolution No. 62.

Adopted.

Senate Bill No. 510, above reported, read first and second times, and referred to the Committee on Corporations, with instructions to report to-morrow.

Senate Bill No. 508, above reported, read first and second times, and referred to the Committee on Ways and Means.

Assembly Bill No. 340, above reported, referred to the Alameda delegation.

Assembly Bill No. 578, above reported, House refused to concur in any of the Senate amendments.

# REPORTS.

Reports were made as follows:

By Mr. Northcutt:

Mr. SPEAKER: The Conference Committee to whom was referred Senate Bill No. 237—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two—beg leave to report that they have failed to agree, and ask to be relieved of further duty in the matter.

NORTHCUTT,  
MILLER,  
LONG,  
Committee.

The report was concurred in.

By Mr. Wickware:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 553—An Act in relation to stock roads.

Also, Assembly Bill No. 388—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California.

Also, Assembly Bill No. 698—An Act to regulate the salary of the District Judge of the Third Judicial District.

Also, Assembly Bill No. 735—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals on private property in Fresno, Kern, Tulare, Ventura, Santa Barbara, San Luis Obispo, and Monterey Counties, approved February fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 736—An Act to change the name of the Town of New Republic to that of Santa Rita.

GEO. C. WICKWARE.

By Mr. Murphy:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts beg leave to report that they have examined the following bills and accounts, found them correct, and recommend that they be paid:

TO WHOM DUE.	Amount.
Amador Dispatch.....	\$9 00
Salinas Index.....	1 50
Plumas National.....	3 00
Lassen Advocate.....	3 00
Petaluma Argus.....	9 00
Kern County Courier.....	3 00
Yreka Union.....	15 00



TO WHOM DUE.	Amount.
Placer Argus.....	\$12 00
Oakland News.....	12 75
Alameda County Advocate.....	9 00
Marin County Journal.....	15 00
San Mateo Gazette.....	9 00
Stanislaus News.....	21 00
Grass Valley Union.....	20 00
Rural Press.....	40 00
Mining and Scientific Press.....	25 00
Santa Clara Argus.....	15 00
Hollister Enterprise.....	2 00
San Diego Union.....	18 00
San Diego World.....	3 00
Stockton Herald.....	4 25
Santa Clara Echo.....	3 00
San José Patriot .....	6 00
Lake County Bee.....	6 00
Oroville Mercury.....	3 00
Tuolumne Independent.....	15 00
Merced Argus.....	3 00
Colusa Independent.....	3 00
Contra Costa Gazette.....	3 00
Mendocino Dispatch.....	3 00
Stockton Gazette.....	3 00
Stockton Leader.....	3 00
Alpine Miner.....	3 00
Grass Valley Union.....	3 00
Pacific Odd Fellow.....	3 00
Sacramento Record.....	12 75
Shasta Courier.....	6 00
Merced Tribune.....	3 00
Amador Ledger.....	9 00
Pajaronian .....	6 00
Butte Record.....	6 00
Colusa Sun.....	6 00
Folsom Telegraph.....	3 00
California Farmer.....	3 00
News Letter.....	6 00
Wm. M. Crutcher.....	273 00
Wm. S. Chapman.....	33 25
A. W. McPherson.....	33 25
J. H. Maginnis.....	4 00
Frank Shay.....	43 00
H. A. Jones.....	235 00
S. C. Houghton.....	372 30

*Resolved*, That the Controller be and he is hereby authorized and directed to draw warrants in favor of the persons named in the above report of the Committee on Expenditures and Accounts, for the sums set

opposite their names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

MURPHY, Chairman.

Adopted.

By Mr. Norton:

Mr. SPEAKER: Your Special Committee on the Political Code, to whom was referred Senate Bill No. 381—An Act to amend sections thirty-nine hundred and seventy-seven and thirty-nine hundred and eighty-five of the Political Code—having had the same under consideration, report it back, and recommend its passage.

NORTON, Chairman.

Senate Bill No. 381, above reported, ordered to head of the File for to-morrow.

#### GENERAL FILE.

Assembly Bill No. 401—An Act in reference to foreign insurance companies doing business in this State.

Withdrawn by the author.

Senate Bill No. 401—An Act recommending to the electors of the State to vote for or against a Convention to revise the Constitution of the State.

On the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Ables, Aldrich, Bowers, Bradley, Bryan, Burt, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Escandon, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Hay, Heald, Hill, Howe, Kercheval, Klotz, Knox, Long, McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Swift, Terrill, Tinnin, Thomas, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—64.

NOES—Messrs. Barton, Ingham, and Snyder—3.

Senate Bill No. 146—An Act relative to apprentices and masters.

Amended, read a third time, and passed.

Senate Bill No. 459—An Act to amend section five hundred and fourteen of the Civil Code.

Read a third time, and passed.

Senate Bill No. 156—proposed amendment to section twenty-one, of Article XI, of the Constitution of this State.

On the passage of the bill, the roll was called, with the following result:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Freeman, Freidenrich, Giffen, Hammitt, Heald, Hill, Howe, Ingham, Kercheval, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Stowers, Summers,

Swift, Terrill, Tinnin, Thomas, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—59.

NOES—None.

Senate Bill No. 362—An Act to amend section three hundred and thirty-nine of the Code of Civil Procedure.

Indefinitely postponed.

Senate Bill No. 308—An Act to amend sections eight hundred and forty-five and eight hundred and forty-nine of an Act entitled an Act to establish a Code of Civil Procedure.

Read a third time, and passed.

Senate Bill No. 398—An Act to add a section to the Political Code, providing official custody of bonds of County Clerks.

Read a third time, and passed.

[Mr. Tinnin in the chair.]

Senate Bill No. 108—An Act to amend the Penal Code.

Amended, read a third time, and passed.

[Speaker in the chair.]

Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities.

Read a third time, and on the passage of the bill, the ayes and noes were demanded by Messrs. Cowdery, Swift, and Burt, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Barton, Bowers, Bradley, Byrnes, Canfield, Carter, Chandler, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gray, Hamill, Hammitt, Hay, Howe, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Peek, Pelham, Pishon, Rogers, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Wickware, Williams, and Mr. Speaker—56.

NOES—Messrs. Ables, Bryan, Burt, Byers, Clark, Cowdery, Freeman, Gilmore of Calaveras, Heald, Hill, Knox, Patterson, Paulsell, Rea, Swift, Vandall, and Welch—17.

[Speaker pro tem., Mr. Howe, in the chair.]

Assembly Bill No. 356—An Act prescribing what shall constitute a lawful and exclusive trademark or trade name, and defining what shall be deemed an infringement thereof, and providing for the due registration and protection of such trademarks and trade names, and further repealing all Acts and amendments to the same heretofore enacted concerning trademarks and trade names.

Enacting clause stricken out.

[Speaker in the chair.]

Senate Bill No. 405—An Act to enforce the educational rights of children.

On the passage of the bill, the ayes and noes were demanded by Messrs. Williams, McCallum, and Paulsell, and the House refused, by the following vote:

AYES—Messrs. Ables, Aldrich, Amerman, Barton, Byers, Byrnes, Canfield, Carter, Chandler, Cressler, Escandon, Franck, Gilmore of Calaveras, Gray, Kercheval, Knox, Long, Meyers, Miller, Norton, Parker,

Patterson, Peek, Rea, Russell, Simpson, Swift, Wickware, Winchell, and Mr. Speaker—32.

NOES—Messrs. Bryan, Burt, Clark, Coggins, Cowdery, Davis, Fahey, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Hamill, Hammitt, Hay, Heald, Hill, Howe, Ingham, Klotz, McBride, McCallum, Murphy, Northcutt, Northup, Paulsell, Pelham, Pishon, Rogera, Roush, Simpers, Snyder, Stowers, Summers, Terrill, Tinnin, Tully, Vandall, Venable, Welch, and Williams—41.

Mr. Freidenrich gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, refused to pass the bill.

#### INTRODUCTION OF BILL.

By Mr. Kercheval—An Act in relation to the government of the County of Sacramento.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### REPORTS.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate freights and fares thereon;

Also, Assembly Bill No. 638—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from the State;

Also, Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination, for the twenty-third fiscal year;

Also, Assembly Bill No. 708—An Act to incorporate the Town of San Mateo, establish its boundaries, define its powers, and for other purposes;

And that the same were, this twenty-fifth day of March, at two o'clock and twenty-five minutes P. M., transmitted to the Governor for his approval.

HAY, Chairman.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money of said Board—and that the same was, this twenty-fifth day of March, eighteen hundred and seventy-four, at three o'clock and twenty-five minutes P. M., transmitted to the Governor, for his approval.

HAY, Chairman.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-third day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 505—An Act to preserve the Geological Survey.

Also, passed Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure.

Also, passed Senate Bill No. 506—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Also, on this day, adopted Assembly Concurrent Resolution No. 60—requesting Professor Whitney to return to the State of California all specimens collected by him.

Also, passed Assembly Bill No. 691—An Act to provide for the preservation of the material of the Geological Survey of California.

Also, passed Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness.

Also, passed Assembly Bill No. 674—An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Also, passed Assembly Bill No. 745—An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges over the Santa Anna River, and to issue bonds for the payment of the same.

Also, indefinitely postponed Assembly Bill No. 680—An Act making Senate Bill No. 127—to promote irrigation in Los Angeles County—supplemental to Assembly Bill No. 172—to provide a system of irrigation, so far as the same relates to the County of Los Angeles.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 522—An Act supplemental to an Act entitled an Act supplemental to and amendatory of an Act entitled an Act to regulate fees of office and salaries of officers in Siskiyou County.

Also, passed Senate Bill No. 523—An Act to aid the establishment of a law library in the City of San José.

Also, passed Senate Bill No. 525—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damage awards to certain owners of property in the matter of the opening of Second street.

Also, on this day, concurred in Assembly amendments to Senate Bills Nos. 219, 484, and 434.

Also, adopted the report of the Committee of Conference on Senate Bill No. 322.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 521—An Act to fix the salaries and compensation of certain officers in Butte County.

Also, herewith return Senate Bill No. 301—An Act to divide the County of Solano, and to erect within the present limits of said county a new county, to be known as Vallejo County—as requested by a resolution of your honorable body.

E. L. CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 238, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 505, above reported, read first and second times, and referred to the Committee on Geological Survey.

Senate Bill No. 506, above reported, read first and second times, and ordered to the head of the File for to-morrow.

Senate Bill No. 521, above reported, read first and second times, rules suspended, read a third time, and passed.

Senate Bill No. 525, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 523, above reported, read first and second times, and referred to the Santa Clara delegation.

Senate Bill No. 522, above reported, read first and second times, rules suspended, bill read a third time, and passed.

At three o'clock and fifty-five minutes P. M., on motion of Mr. Amerman, the House took a recess until seven o'clock P. M.

## EVENING SESSION.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## INTRODUCTION OF BILLS.

By Mr. Freidenrich—An Act to provide for the further construction of the City Hall, in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Amerman—An Act in relation to certain streets in the Town of Alameda.

Read first and second times, rules suspended, the bill considered engrossed, read a third time, and passed.

## RESOLUTION.

By Mr. Snyder—relative to the release of Charles P. Converse.

Ordered to the table until immediately after reading the Journal to-morrow.

On motion of Mr. Terrill, the House took up Senate Concurrent Resolution No. 60—recommending certain persons to the Governor for pardon.

Read a third time, and adopted.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Burt—An Act amendatory of and supplementary to an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Barton—An Act to amend the Political Code.

Read first and second times, rules suspended, the bill considered engrossed, read a third time, and passed, and ordered transmitted without engrossment.

By Mr. Byrnes—An Act to amend an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 24th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 343—An Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino.

Also, Assembly Bill No. 102—An Act to amend the Code of Civil Procedure.

Also, Assembly Bill No. 53—An Act to appropriate money for expenses of the Tide Land Commission.

Also, Assembly Bill No. 501—An Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 568—An Act to authorize and empower the Board of Trustees of Court House School District, in the County of Sonoma, to raise additional funds for school purposes.

Also, Assembly Bill No. 524—An Act for the relief of T. P. Riordan.

Also, Assembly Bill No. 435—An Act to provide funds for the school department of the Town of Alameda.

Also, Assembly Bill No. 649—An Act to authorize Daniel Gobbi to remove the remains of deceased persons in the Town of Ukiah City, Mendocino County.

Also, Assembly Bill No. 537—An Act to provide for the payment of a debt due N. Fitzgerald, from Lake City School District, in Modoc County.

Also, Assembly Bill No. 577—An Act to add another section to the Penal Code.

Also, Assembly Bill No. 476—An Act to amend section thirty-three hundred and sixty-four of the Political Code.

Also, Assembly Bill No. 326—An Act to repeal an Act entitled an Act to provide for the opening and improving of Santa Clara and

Saratoga Avenue, in the County of Santa Clara, approved March sixteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 498—An Act to incorporate the Town of Woodland.

Also, Assembly Bill No. 480—An Act to provide for the completion of the Napa State Asylum for the Insane, and for other purposes.

Also, Assembly Bill No. 143—An Act to amend the Political Code, respecting the assessment and collection of taxes.

Also, Assembly Bill No. 566—An Act to protect agriculture in the County of Calaveras.

Also, Assembly Bill No. 667—An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the Town of Santa Clara, approved March sixth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 420—An Act to regulate the salaries and fix the compensation of the county officers of San Joaquin County.

Also, Assembly Bill No. 442—An Act to pay certain claims for services rendered as witnesses summoned on behalf the State.

Also, Assembly Bill No. 596—An Act authorizing the Board of Education in the City and County of San Francisco to exchange a lot of land in said city and county.

Also, Assembly Bill No. 605—An Act to provide additional Notaries Public in the County of Inyo.

Also, Assembly Bill No. 571—An Act concerning roads and highways in the County of Sutter.

Also, Assembly Bill No. 603—An Act to provide for the payment of certain outstanding road warrants of Yolo County, and to provide for levying taxes for county purposes in said county.

NEWTON BOOTH,  
Governor.

Consideration of the Governor's veto message, on Assembly Bill No. 111, was made the special order for seven o'clock and thirty minutes P. M. to-morrow.

#### REPORT.

By Mr. Meyers:

Mr. SPEAKER: The San Joaquin delegation, to whom was referred Assembly Bill No. 723—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-seventh, eighteen hundred and seventy-two—have considered and amended the same, and recommend its passage as amended.

The delegation have also considered Assembly Bill No. 724—An Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain funds—and beg leave to report it back, and recommend its passage.

MEYERS,  
PAULSELL.

Assembly Bill No. 724, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 723, above reported, amended, rules suspended, bill considered engrossed, read a third time, and passed.



## INTRODUCTION OF BILL.

By Mr. Tully—An Act to amend an Act entitled an Act granting to the City of Monterey the title to the waterfront of said city, in the Bay of Monterey.

Read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

## REPORTS.

Reports were submitted as follows:

By Mr. Franck:

MR. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 523—An Act to aid the establishment of a law library in the City of San José—have had the same under consideration, report the same back, and recommend that it do pass.

FRANCK, for Delegation.

Senate Bill No. 523, above reported, read a third time, and passed.

By Mr. Summers:

MR. SPEAKER: Your committee appointed under resolution of January fifteenth, eighteen hundred and seventy-four, to investigate certain charges of bribery and corruption, made against the honor and honesty of undesignated members of the Assembly, with reference to the late Senatorial election, respectfully submit the following report:

We had in attendance before us as witnesses, in obedience to the mandate of this House, all persons who were in any way connected with the aforesaid charges, and submitted each of them, respectively (without showing partiality to any), to the most rigid, thorough, and searching examination possible. The testimony then elicited was taken down by a competent phonographic reporter, subsequently printed, and laid before the Assembly; and, after as careful a review of the evidence taken as it has been possible for us to make, and discharge the other duties incumbent upon us, we have arrived at the following conclusions:

First—We find that charges of corruption in the Senatorial contest were first made by Marcus D. Boruck, in his paper, known as the *California Spirit of the Times*.

Second—We find from the evidence that Mr. Boruck was perfectly justified in making the charges he did through his newspaper, and we desire to say, rather than his course being subject to adverse criticism, we consider he is entitled to the fullest commendation, not only from us as the committee inquiring into the matter, but from all right-thinking men who desire to see the purity of all our elections maintained and strengthened; and, further, the committee are under obligations to Mr. Boruck for his honorable coöperation in securing a development of the truth in the whole transaction.

Third—We find there is some evidence tending to show that persons claiming to be in the interest of the Senatorial candidates had made offers in order to influence votes. This, however, we find to have been done (where attempted) by irresponsible parties, without the knowledge of and in no way connected with the principals, either by expressed or

implied authority from them, or either of them, or their immediate political friends, and that there is no evidence that money, or anything of value, was used to influence any member of the Legislature; but, on the contrary, it clearly appears that not one dollar was corruptly used by any one to secure the election of either Booth or Hager.

Fourth—As will be seen by the voluminous testimony taken before the committee, in many instances there is great discrepancy and contradiction in the evidence of certain witnesses. Several members of this House have appeared before the committee and given their testimony in a plain, straightforward, honest manner, divested of bias or prejudice, and your committee have every confidence in the truth of their statements. But in so important a matter as this, involving the integrity and honor of certain members of this House, as well as other persons, with the great mass of testimony before us to review, and the multiplicity of our other duties, we have no other course left but to submit this branch of the subject to you for final adjudication, confidently believing that you will take such action as may be deemed expedient and for the best interests of the commonwealth.

All of which is respectfully submitted.

JAS. W. SUMMERS, Chairman.

#### GENERAL FILE.

Assembly Bill No. 688—An Act to amend section three thousand nine hundred and fourteen of the Political Code.

Engrossment refused.

Assembly Bill No. 717—An Act amendatory of and supplemental to an Act entitled an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 721—An Act to repeal an Act to amend an Act entitled an Act to reincorporate the Town of San Luis Obispo.

Rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Amended, and referred to the Committee on Swamp and Overflowed Lands.

#### RECONSIDERATION.

Pursuant to notice, Mr. Ables moved to reconsider the vote by which the House, on yesterday, passed Senate Bill No. 87.

Mr. Coggins moved to indefinitely postpone the motion to reconsider, on which motion the ayes and noes were demanded by Messrs. Ables, Coggins, and Heald, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Bryan, Burt, Byrnes, Chandler, Clark, Coggins, Cressler, Davis, Fahey, Freidenrich, Fergus-

son, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hay, Kercheval, Klotz, Long, McBride, Miller, Murphy, Northcutt, Parker, Patterson, Peek, Roush, Russell, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Williams, Winchell, and Mr. Speaker—44.

NOES—Messrs. Ables, Aldrich, Byers, Canfield, Cowdery, Dixon, Franck, Freeman, Hammitt, Heald, Hill, Howe, Hurlburt, Knox, McCallum, Meyers, Northup, Pelham, Pishon, Rea, Rogers, Simpers, Welch, and Wickware—24.

#### REPORT.

By Mr. Miller:

Mr. SPEAKER: The delegations from Amador, Calaveras, and San Joaquin Counties, to whom was referred Assembly Bill No. 380—An Act to authorize certain persons to improve a portion of the Mokelumne River and erect a boom thereon—report the same back with amendments, and recommend its passage.

PAULSELL,  
MILLER,  
GEO. W. GILMORE,  
For Delegations.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER, }  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 393—An Act for the better protection of the stockholders in corporations, formed under the laws of the State of California, for the purpose of carrying on and conducting the business of mining.

Also, passed and ordered transmitted without engrossment—Senate Bill No. 492—An Act to add two sections to the Political Code.

Also, adopted Senate Concurrent Resolution No. 63—authorizing the Enrolling Clerk of the Senate to correct error in Senate Bill No. 301.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER, }  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

Also, Assembly Bill No. 627—An Act to make the bridge across the Stone Road Crossing, in Sutter County, a free bridge, and for said county to own and control the same.

Also, indefinitely postponed Assembly Bill No. 617—An Act to protect agriculture in the County of San Joaquin.

Also, passed Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 25th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 653—An Act supplemental to an Act to regulate fees of office, and to fix the compensation of officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 686—An Act to amend an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 388—An Act to create a swamp land district, to be known as Lake District Number One of Sacramento County—and ordered the same transmitted without engrossment.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 63, above reported, read first time, and, by the Speaker, ruled out of order, for the same reasons that were, to-day, urged against Senate Concurrent Resolution No. 62.

Mr. Tinnin, seconded by Messrs. Williams and Amerman, appealed from the decision of the Chair.

The Speaker stated the question to be, "Shall the decision of the Chair stand as the decision of the House?" on which, the roll was called, and the House sustained the decision of the Chair, by the following vote:

AYES—Messrs. Ables, Aldrich, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Cowdery, Cressler, Franck, Freeman, Freidenrich, Hamill, Hammitt, Heald, Hill, Howe, Hurlburt, Knox, McCallum, Norton, Patterson, Pishon, Rea, Rogers, Roush, Russell, Simpers, Swift, Terrill, Thomas, Venable, Welch, and Wickware—36.

NOES—Messrs. Amerman, Barton, Byrnes, Carter, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Kercheval, Klotz, Long, McBride, Meyers, Miller, Murphy, Northup, Parker, Peek, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Williams, and Winchell—31.

At nine o'clock and twenty minutes P. M., on motion of Mr. Heald, the House adjourned.

M. M. ESTEE,  
Speaker.

D. T. LOOFBOURROW,  
\$ Chief Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Thursday, March 26th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of yesterday, reading dispensed with.

## PETITION.

By Mr. Williams—from citizens of El Dorado County, protesting against the passage of Senate Bill No. 130.

Laid on the table.

## REPORTS.

Reports were made as follows:

By Mr. Kercheval:

MR. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four—report that they have again considered the same, with amendments, and report it back to the Assembly, and recommend that the amendment to the amendment be stricken out, and that the bill pass as originally reported from your committee.

R. KERCHEVAL, Chairman.

By Mr. Welch:

MR. SPEAKER: Your Committee on Public Buildings and Grounds beg leave to report that they have examined the so-called "Governor's Mansion," and find it a huge failure and wholly unsuited for the purposes for which it was intended, and that the same has cost the State, up to this date, the large sum of about sixty thousand dollars, which, in the opinion of your committee, was money but little better than thrown away. The building is constructed of the best material and put together in a substantial and workmanlike manner, and your committee regret to say that it is, at best, but a gilded monument to public extravagance and folly. Your committee are of the opinion that a portion of the building might be utilized by converting it into a public printing office, but we have taxed our imagination in vain to suggest some purpose for which the remainder can be used, unless it be for a State Armory. We are of the opinion that as little additional money should be invested in said building as possible.

Your committee respectfully suggest that the State Capitol grounds would be improved by removing so much of the outer portion of the upper terrace as might be necessary to drain the water from the immediate vicinity of the Capitol building, and thus prevent the accumulation of mud and water, as well as to add to the general appearance of the building.

In the opinion of your committee, the present mode of heating and

ventilating the State Capitol building is defective and unhealthy, and to this your committee invite special examination and investigation.

Your committee also visited the Insane Asylum at Stockton, and find that during the last year an addition has been made to the female department thereof, sufficient for the accommodation of about two hundred patients; this addition consists of a two-story brick structure, erected at a cost of seventy six thousand six hundred and eighty-five dollars. The buildings and grounds of the asylum are in splendid condition, and the institution is managed with consummate skill and tact.

Your committee also beg leave to report that they have inspected the Deaf and Dumb and Blind Asylum, and find the buildings connected therewith to be in excellent condition, well kept, and amply sufficient for the accommodation of all the pupils. The grounds exhibit proofs of great care and attention, and the general appearance of all the surroundings was highly gratifying to your committee, inasmuch as they indicated that the people have got value received for the money expended in this behalf. Your committee are of the opinion that a still further improvement of the grounds would result in profit to the State, and therefore respectfully recommend that the sum of eight thousand dollars be appropriated for that purpose.

WELCH, Chairman.

By Mr. Murphy:

MR. SPEAKER: The Committee on Public Expenditures and Accounts, to whom was referred a resolution to pay C. E. Bean ten dollars and fifty cents for services rendered the Committee on Education, report the same back with a substitute, and recommend the passage of the substitute.

MURPHY, Chairman.

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant in favor of C. E. Bean for the sum of ten dollars and fifty cents, and the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

Adopted.

By Mr. Ables:

MR. SPEAKER: The State Prison Committee, to whom was referred Assembly Bill No. 727—An Act providing for the employment of prison labor, and regulating contracts therefor—have had the same under consideration, and report it back with amendment, and recommend its passage as amended.

ABLES, for Committee.

By Mr. Pishon:

MR. SPEAKER: Your Committee on Military Affairs have had Assembly Bill No. 640—An Act to amend the Political Code, concerning military affairs—under consideration, report the same back, and recommend its passage.

PISHON, Chairman.

By Mr. Welch—from Committee on Public Buildings and Grounds, embracing certain allowances.

Referred to the Committee on Rules and Employés.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means having had under consideration the application of F. Baehr, State Treasurer, asking for an investigation into certain alleged irregular practices in his office, report the same back, with the recommendation that no investigation be authorized.

The committee find that the ground for said application is a vague newspaper rumor, which resulted in provoking a trial before a competent Court, upon which trial it was found to be a mere report without basis, entitled to no consideration.

FREEMAN, Chairman.

By Mr. Ferguson—From Committee on Swamp Land Frauds.  
Report ordered printed.

[For report, see Appendix.]

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure—report it back, and recommend its passage.

Also, Senate Bill No. 374—An Act relative to the publication of amendments to the Codes—report it back, and recommend its passage.

Also, Assembly Bill No. 590—An Act to amend sections three hundred and thirty-nine, three hundred and forty, three hundred and forty-one, and three hundred and forty-two of the Penal Code—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 707—An Act to amend section eight hundred and two of the Penal Code—report it back, and recommend that it be indefinitely postponed.

Also, Assembly Bill No. 739—An Act supplementary to an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four—report it back, and recommend its passage.

Also, Assembly Bill No. 747—An Act to amend section fifteen hundred and five of the Code of Civil Procedure—report it back, and recommend its passage.

Also, Assembly Bill No. 733—An Act to amend the Code of Civil Procedure—report it back, and recommend its passage.

Also, Assembly Bill No. 384—An Act to amend section three thousand six hundred and forty-four of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act, approved April first, eighteen hundred and seventy—report it back, and recommend its passage.

Also, Assembly Bill No. 262—An Act to provide for the better protection of stockholders in incorporated companies—report it back, without recommendation.

Also, Assembly Bill No. 152—An Act to create the office of Bank Commissioner, and to prescribe his duties and powers—report it back, without recommendation.

WILLIAMS, Chairman.

By Mr. Heald:

Mr. SPEAKER: The Solano delegation, to whom was referred Senate Bill No. 493—An Act to regulate official salaries in the County of Solano—beg leave to report the same back, with amendments, and recommend that the bill do pass.

HEALD, for Delegation.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means having considered Senate Bill No. 508—An Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof—report the same back, with the recommendation that it pass.

FREEMAN, Chairman.

Senate Bill No. 508, above reported, taken up, and made the special order for two o'clock P. M. to-day.

By Mr. Russell:

Mr. SPEAKER: The Sacramento delegation, to whom was referred Assembly Bill No. 668—An Act concerning streets, alleys, lots, and blocks, or parts thereof, within certain limits in the City of Sacramento—have duly considered the same, and recommend that it do not pass.

RUSSELL, for Delegation.

Assembly Bill No. 668, above reported, engrossment refused.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 752—An Act for the further construction of the City Hall in the City and County of San Francisco—return the same, with amendments, and respectfully recommend that the bill pass as amended.

SWIFT, Chairman.

Assembly Bill No. 752, above reported, amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### LEAVE OF ABSENCE.

Leave of absence, for one day, was granted to Mr. Dixon.

#### RECONSIDERATION.

Mr. Freidenrich moved to reconsider the vote by which the House, yesterday, refused to pass Senate Bill No. 405.

Mr. Murphy moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Tinnin, Snyder, and Higbie, and the House refused, by the following vote:



**AYES**—Messrs. Bryan, Burt, Clark, Coggins, Davis, Fahey, Freeman, Gilmore of El Dorado, Hamill, Hammitt, Hill, Ingham, Klotz, McBride, McCallum, Meyers, Murphy, Northcutt, Northup, Paulsell, Pelham, Roush, Simpers, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, Venable, Welch, and Williams—33.

**NOES**—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Byers, Canfield, Carter, Chandler, Cowdery, Cressler, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Heald, Higbie, Howe, Hurlburt, Kercheval, Knox, Long, Miller, Morgan, Norton, Parker, Patterson, Peek, Pishon, Rea, Rogers, Russell, Simpson, Swift, Terrill, Vandall, Wickware, Winchell, and Mr. Speaker—41.

On the motion to reconsider, the ayes and noes were demanded by Messrs. Tinnin, Snyder, and Gilmore of El Dorado, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Burt, Byers, Canfield, Carter, Chandler, Cowdery, Cressler, Franck, Freidenrich, Gilmore of Calaveras, Gray, Gurnett, Heald, Higbie, Hurlburt, Kercheval, Knox, Long, Miller, Morgan, Norton, Parker, Patterson, Peek, Pishon, Rea, Rogers, Russell, Simpson, Swift, Terrill, Wickware, Winchell, and Mr. Speaker—39.

**NOES**—Messrs. Bryan, Clark, Coggins, Davis, Fahey, Freeman, Ferguson, Giffen, Gilmore of El Dorado, Hamill, Hammitt, Hay, Hill, Howe, Ingham, Klotz, McBride, McCallum, Murphy, Northcutt, Northup, Paulsell, Pelham, Roush, Simpers, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, Vandall, Venable, Welch, and Williams—35.

On the passage of the bill, the ayes and noes were demanded by Messrs. Tinnin, Bryan, and Murphy, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Barton, Bowers, Bradley, Burt, Byers, Canfield, Carter, Chandler, Cowdery, Cressler, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Heald, Higbie, Hurlburt, Kercheval, Knox, Long, Meyers, Miller, Morgan, Norton, Parker, Patterson, Peek, Rea, Rogers, Russell, Simpson, Swift, Terrill, Tinnin, Wickware, Winchell, and Mr. Speaker—41.

**NOES**—Messrs. Bryan, Clark, Coggins, Davis, Fahey, Freeman, Giffen, Gilmore of El Dorado, Hamill, Hammitt, Hay, Hill, Howe, Ingham, Klotz, McBride, McCallum, Murphy, Northcutt, Northup, Paulsell, Pelham, Pishon, Roush, Simpers, Snyder, Stowers, Summers, Thomas, Tully, Vandall, Venable, Welch, and Williams—34.

Mr. Tinnin gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed the bill.

#### RESOLUTION.

By Mr. Hamill:

*Resolved*, That the San Francisco delegation be and it is hereby instructed to report Assembly Bill No. 519, at one o'clock p. m. of this day, March twenty-sixth, eighteen hundred and seventy-four.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Swift, Terrill, and Burt, and the House so ordered, by the following vote:

**AYES**—Messrs. Burt, Byrnes, Canfield, Carter, Clark, Coggins, Cressler, Davis, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hay, Howe, Ingham, Klotz, Long, Morgan, Murphy, Northcutt, Patterson, Peek, Pelham, Rea, Simpser, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Tully, Venable, Wickware and Winchell—38.

**NOES**—Messrs. Aldrich, Barton, Bowers, Bryan, Byers, Cowdery, Freeman, Freidenrich, Gray, Hammitt, Heald, Hill, Kercheval, Knox, Parker, Pishon, Rogers, Roush, Russell, Swift, Vandall, Welch, and Mr. Speaker—23.

The resolution offered, yesterday, by Mr. Snyder, relative to the release of Charles P. Converse, was taken up.

Mr. Gray moved the indefinite postponement of the resolution, on which the ayes and noes were demanded by Messrs. Swift, Gray, Kercheval, and the House refused, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Bowers, Bradley, Bryan, Byers, Clark, Cressler, Freeman, Freidenrich, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Heald, Higbie, Kercheval, Knox, Meyers, Norton, Rogers, Roush, Simpson, Stowers, Swift, Thomas, Wickware, and Williams—28.

**NOES**—Messrs. Amerman, Barton, Canfield, Coggins, Davis, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Hay, Hill, Howe, Hurlburt, Klotz, Long, Morgan, Northcutt, Northup, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Russell, Simpser, Snyder, Summers, Terrill, Tinnin, Tully, Vandall, Venable, Welch, Winchell, and Mr. Speaker—37.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Williams, Swift, and Tinnin, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Canfield, Coggins, Fahey, Franck, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Higbie, Hill, Hurlburt, Klotz, Miller, Morgan, Northcutt, Northup, Parker, Patterson, Peek, Pelham, Rea, Simpser, Simpson, Snyder, Summers, Terrill, Tinnin, Tully, Vandall, Venable, Welch, and Winchell—36.

**NOES**—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Carter, Clark, Cressler, Davis, Freeman, Freidenrich, Gray, Gurnett, Hammitt, Heald, Howe, Ingham, Kercheval, Knox, Meyers, Norton, Paulsell, Pishon, Rogers, Roush, Russell, Stowers, Swift, Thomas, Wickware, and Williams—32.

At twelve o'clock M. the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

## REPORTS.

By Mr. Thomas—relative to report of Messrs. Wright and Sanders, architects, on the acoustics and ventilation of the Assembly Chamber. [For report, see Appendix.]

Referred to the Committee on Rules and Employés.

By Mr. Swift:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 689—An Act to provide for the construction of a railroad from Suisun, in the County of Solano, to Lakeport, in the County of Lake, and to regulate fares and freights thereon—hereby report the same back, with the recommendation that it be referred to the Lake and Solano delegations.

Also, Senate Bill No. 510—An Act to add to the Penal Code certain provisions, punishing telegraphic corporations for making discriminations in their charges—was had under consideration, a substitute introduced and adopted, and the committee respectfully beg leave to report the same back, and recommend the passage of the substitute.

SWIFT, Chairman.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder—have had the same under consideration, and report the same back, with the recommendation that be indefinitely postponed.

SWIFT, Chairman.

Senate Bill No. 689, above reported, referred to the Lake and Solano delegations.

By Mr. Hamill:

Mr. SPEAKER: The minority of the San Francisco delegation, having connection with the majority of the delegation, had under consideration Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder—beg leave to report a substitute for said bill, and recommend its passage.

JOHN HAMILL,  
GEO. C. WICKWARE,  
ROBERT HOWE,  
JAMES PATTERSON,  
CHAS. C. TERRILL.

Substitute for Assembly Bill No. 519, above reported, ordered on File.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Murphy—An Act to continue and complete the investigation

into the alleged frauds in the various land departments of the State or California, and of the United States, within the State of California.

Read first and second times, and ordered on File.

By Mr. Hamill—An Act authorizing the Board of Regents of the University of California to audit and pay a certain claim.

Read first and second times, and referred to the Committee on Claims.

By Mr. Kercheval—An Act to provide a new Great Register for the County of Sacramento.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### RESOLUTIONS.

By Mr. Wickware:

*Resolved*, That a Committee of Conference be appointed, on the part of this House, to confer with a similar committee already appointed on the part of the Senate, in relation to Assembly Bill No. 578—An Act to authorize the leasing of the Lincoln School lot, in the City and County of San Francisco.

Adopted, and Messrs. Wickware, Freidenrich, and Howe were appointed members of such committee.

By Mr. Franck:

*Resolved*, That the Postmaster of this House is hereby directed to once proceed to take the address of each and every member, and to remain at the State Capitol for two weeks after the adjournment, to attend to the remailing of letters, etc., to members, and that he is allowed fifty dollars for said services, out of the Contingent Fund of the Assembly.

Adopted.

On motion of Mr. Murphy, the following resolution, introduced by him yesterday, was taken from the table:

*Resolved*, That members of the Assembly will have the privilege of inviting friends upon the floor of this House, Rule Seventy to the contrary notwithstanding.

Adopted.

#### REPORT.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-one and eighteen hundred and seventy-three;

Also, Assembly Bill No. 531—An Act to authorize the Board Supervisors of Fresno County to issue bonds for building purposes;

Also, Assembly Bill No. 619—An Act to amend an Act entitled

Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven, and the Act amendatory thereof, approved April, eighteen hundred and sixty, approved March fourteenth, eighteen hundred and seventy, and the Act amendatory thereof, approved April first, eighteen hundred and seventy-two;

Also, Assembly Bill No. 672—An Act fixing the compensation of the Assessor of the County of Mono;

Also, Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes;

Also, Assembly Bill No. 699—An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff *ex officio* Tax Collector;

Also, Assembly Bill No. 627—An Act to make the bridge across the Stone Road Crossing, in Sutter County, a free bridge, and for said county to own and control the same;

And that the same were, this twenty-sixth day of March, eighteen hundred and seventy-four, at eleven o'clock and fifteen minutes A. M., transmitted to the Governor, for his approval.

HAY, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 26th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 594—An Act to legalize the grades of certain streets in the City and County of San Francisco.

Also, Assembly Bill No. 536—An Act to legalize, ratify, and confirm certain orders and resolutions of the Board of Supervisors of the City and County of San Francisco, and the contracts made thereunder.

Also, Assembly Bill No. 359—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Also, Assembly Bill No. 213—An Act amendatory of and supplemental to an Act entitled an Act to provide for funding the indebtedness of the reclamation and levee districts of the State, approved March thirtieth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 624—An Act amendatory of and supplemental to an Act entitled an Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county, approved January thirty-first, eighteen hundred and seventy.

Also, Assembly Bill No. 638—An Act to authorize the State Treasurer to pay Controller's warrants drawn for the salaries of public officers who are entitled to monthly payments from this State.

Also, Assembly Bill No. 681—An Act to authorize the Board of Supervisors of Trinity County to fix and pay the compensation of Under Sheriff in said county.

Also, Assembly Bill No. 584—An Act concerning the office of District Attorney of the City and County of San Francisco.

Also, Assembly Bill No. 439—An Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento.

Also, Assembly Bill No. 552—An Act relative to the powers of the Boards of Supervisors of the Counties of Yolo and Solano.

Also, Assembly Bill No. 623—An Act to authorize the Board of Supervisors of Mendocino County to issue additional coupons to the holders of certain bonds.

Also, Assembly Bill No. 652—An Act to fix the compensation of the Deputy Sheriff of Alameda County.

Also, Assembly Bill No. 591—An Act authorizing the County Auditor of Santa Clara to provide himself with a seal of office.

NEWTON BOOTH,  
Governor.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 26th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-fourth day of March, A. D. eighteen hundred and seventy-four, refused to pass Assembly Bill No. 172—An Act to provide a system of irrigation.

Also, on yesterday, amended and passed Assembly Bill No. 242—An Act making appropriations for the support of the government of the State for the twenty-sixth and twenty-seventh fiscal years.

Also, passed Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the District of Santa Barbara County, now constituting Ventura County.

Also, on this day, passed Assembly Bill No. 634—An Act to extend the time in which Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

Also, that the Senate refuses to recede from its amendments to Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code, and have appointed as a Committee of Conference, Senators O'Connor, Farley, and Oulton.

Also, amended and passed Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Also, that the Senate refuses to recede from its amendments to Assembly Bill No. 578—An Act to authorize the Board of Education of the City and County of San Francisco to lease a school lot in said city and county—and have appointed as a Committee of Conference, Senators Oulton, Laine, and O'Connor.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

The following bills, reported in Senate messages yesterday, were taken up, and disposed of as follows:

Senate Bill No. 492, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 393, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 383, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

The following bills, reported in messages of to-day, were taken up, and disposed of as follows:

Assembly Bill No. 193—Messrs. Pelham, Peek, and Rogers were appointed a Committee of Conference on the disagreeing votes of the two Houses on the bill.

Assembly Bill No. 147, the House concurred in certain Senate amendments, and refused to concur in Senate amendments to section thirty-eight.

Assembly Bill No. 242, certain Senate amendments concurred in, the House refused to concur in certain amendment, and on the motion to concur in amendment to section two, as follows: "Amend by inserting 'to the Saint Vincent College Orphan Asylum of Santa Barbara, for the purpose of rebuilding the College building, two thousand dollars,'" the ayes and noes were demanded by Messrs. Murphy, Kercheval, and Burt, and the House refused, by the following vote:

**AYES**—Messrs. Amerman, Byrnes, Cowdery, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gurnett, Hamill, Howe, Murphy, Northcutt, Northup, Norton, Peek, Pelham, Rogers, Siphers, Summers, Thomas, Tully, Wickware, Williams, and Winchell—25.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Canfield, Clark, Coggins, Cressler, Davis, Franck, Freeman, Freidenrich, Gilmore of El Dorado, Gray, Hammitt, Hay, Heald, Higbie, Ingham, Kerchoval, Klotz, Knox, Long, McCallum, Meyers, Miller, Morgan, Parker, Patterson, Pishon, Roush, Russell, Simpson, Stowers, Swift, Terrill, Vandall, Venable, Welch, and Mr. Speaker—42.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 26th, 1874. }

**MR. SPEAKER:** I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 705—An Act authorizing the City of Oakland to issue and sell the bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Also, passed Assembly Bill No. 742—An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same.

Also, passed Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale.

Also, passed Assembly Bill No. 716—An Act to confer additional powers on the Board of Supervisors of the County of San Joaquin.

Also, passed Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine, approved April fourth, eighteen hundred and seventy.

Also, passed Assembly Bill No. 754—An Act amendatory of and supplementary to an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Also, this day, passed and ordered transmitted without engrossment, Senate Bill No. 531—An Act supplementary to an Act entitled an Act to amend an Act to incorporate the City of Oakland, passed March twenty-fifth, eighteen hundred and fifty-four, and repealing certain other Acts in relation to said city, approved April twenty-fourth, eighteen hundred and sixty-two.

Also, passed Senate Bill No. 511—An Act to amend section one thousand five hundred and five of the Code of Civil Procedure.

Also, passed Assembly Bill No. 756—An Act to amend an Act entitled an Act to prescribe the duties and to provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 749—An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama.

Also, passed Assembly Bill No. 702—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.

Also, amended and passed Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor.

Also, passed Assembly Bill No. 625—An Act declaring the force and effect of the provisions of the Political Code concerning the office of District Attorney of El Dorado County, and granting leave of absence to G. J. Carpenter, District Attorney of said county.

CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 26th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in Assembly amendments to Senate Bills Nos. 108 and 146, and Senate Concurrent Resolution No. 60.

Also, passed Assembly Bill No. 694—An Act abolishing the City Hall Commissioners of the City and County of San Francisco, and providing for the construction of the building.

Also, on the twenty first instant, passed Senate Bill No. 483—An Act to regulate fees of office and salaries of certain officers in the County of Colusa, and to repeal all Acts now in force in relation thereto.

Also, on the twenty-fifth instant, passed Senate Bill No. 530—An Act



to repeal an Act entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city.

Also, on this day, passed Assembly Bill No. 737—An Act to amend an Act to regulate salaries and fix the compensation of certain officers in the County of Sonoma.

Also, passed Assembly Bill No. 748—An Act supplemental to an Act entitled an Act to provide for the construction of common wagon roads from Healdsburg, etc.

Also, passed Assembly Bill No. 646—An Act to amend an Act entitled an Act to amend certain sections of the Political Code, approved March thirteenth, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 738—An Act granting leave of absence to the County Treasurer of Butte County.

Also, passed Assembly Bill No. 700—An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock.

Also, passed Assembly Bill No. 697—An Act to provide for the collection of certain unpaid taxes in the County of Modoc.

Also, passed Assembly Bill No. 718—An Act relative to roads and highways in the County of Shasta.

Also, amended and passed Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest money in real estate within the limits of California.

Also, amended and passed Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to the Code of Civil Procedure.

Also, amended and passed Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 633—An Act to provide for the construction of a bridge across the San Lorenzo and Pajaro Rivers.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 535—An Act to authorize the Mayor and Common Council of the City of Los Angeles to pay certain warrants drawn on the Salary Fund.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 539—An Act to amend an Act entitled an Act concerning roads and highways in the County of Sonoma, approved March twenty-third, eighteen hundred and seventy-two.

E. L. CRAWFORD,

Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Assembly Bill No. 618, above reported, House concurred in Senate amendments.

Assembly Bill No. 625, above reported, referred to the El Dorado delegation.

Senate Bill No. 511, above reported, taken up, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill No. 531, above reported, read first and second times, and referred to the Alameda delegation.

Assembly Bill No. 493, above reported, Senate amendments concurred in.

Senate Bill No. 530, above reported, read first and second times, and referred to the Santa Clara delegation.

Assembly Bill No. 593, above reported, Senate amendments concurred in.

Assembly Bill No. 283, above reported, Senate amendments concurred in.

Assembly Bill No. 523, above reported, Senate amendments concurred in.

Senate Bill No. 483, above reported, read first and second times, and referred to the Colusa delegation.

Senate Bill No. 533, above reported, read first and second times, and referred to the Santa Cruz delegation.

Senate Bill No. 535, above reported, read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 539, above reported, read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Coggins—An Act relating to the office of District Attorney of Sacramento County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Also, an Act relating to the School Fund of Lee School District, in Sacramento County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Howe—An Act granting further powers to the Board of Supervisors of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Mr. Estee wished to be recorded as voting against the passage of the bill.

Also, an Act to empower the Board of Supervisors of the City and County of San Francisco to adjudicate a certain claim.

Read first and second times, and referred to the San Francisco delegation.

By Mr. Terrill—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, in reference to the repairs of accepted streets, lanes, alleys, places, or courts in the City and County of San Francisco.

Read first and second times, and referred to the San Francisco delegation.

#### REPORTS.

Reports were submitted as follows:

By Mr. Roush:

MR SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 724—An Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain Funds.

Also, Assembly Bill No. 753—An Act in relation to certain streets in the Town of Alameda.

Also, Assembly Bill No. 717—An Act amendatory of and supplementary to an Act to provide for the purchase and construction of free bridges in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four.

Also, Assembly Bill No. 723—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals on private property in San Joaquin County, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, Assembly Bill No. 721—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of San Luis Obispo.

Also, Assembly Bill No. 663—An Act to prohibit candidates for office from using and dispensing liquor for electioneering purposes.

WM. ROUSH.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits, have had the same under consideration, and now report it back, with amendments, and recommend the passage of the bill as amended.

SWIFT, Chairman.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of Senate Bill No. 508—An Act levying a tax for State purposes for the twenty-fourth and twenty-fifth fiscal years, and to provide for the enforcement thereof.

Read a third time, and passed.

#### SECOND SPECIAL ORDER.

Assembly Bill No. 88—report of the committee adopted.

#### THIRD SPECIAL ORDER.

Assembly Bill No. 643—proposed amendments to the Constitution of the State of California.

On the engrossment of the bill, the roll was called, with the following result:

AYES—Messrs. Ables, Barton, Bryan, Burt, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hay,

Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McCallum, Miller, Murphy, Northcutt, Parker, Peek, Pelham, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—58.

NOES—Messrs. Norton and Swift—2.

On motion of Mr. Hamill, the House took up Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco relative to the removal of dead animals from the city limits.

Rules suspended, bill considered engrossed, read a third time, and passed.

#### INTRODUCTION OF BILL.

By Mr. Venable—An Act to amend sections fourteen hundred and twenty-six and fourteen hundred and thirty of the Political Code.

Read first and second times, and referred to the Committee on Education.

#### GENERAL FILE.

Senate Bill No. 506—An Act to amend section two hundred and seventy-six of the Code of Civil Procedure.

Mr. Cowdery moved to amend by adding at the end of the section the following: "*provided*, no Court shall refuse to admit any applicant on account of race or color; and all parts of this Code to the contrary, are hereby repealed."

Mr. Freidenrich moved to amend the amendment, as follows: Amend by adding after the word "color," "or sex." On the adoption of which, the ayes and noes were demanded by Messrs. Tinnin, Coggins, and Heald, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Barton, Bowers, Bradley, Canfield, Chandler, Coggins, Cowdery, Cressler, Fahey, Freidenrich, Giffen, Gray, Gurnett, Hamill, Heald, Hill, Howe, Hurlburt, Ingham, Kercheval, Knox, McCallum, Miller, Northcutt, Norton, Pelham, Rogers, Russell, Swift, Thomas, Vandall, Welch, Wickware, Williams, Winchell, and Mr. Speaker—37.

NOES—Messrs. Ables, Amerman, Bryan, Burt, Byers, Clark, Davis, Escandon, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Higbie, Klotz, Murphy, Parker, Peek, Pishon, Simpers, Simpson, Snyder, Summers, Terrill, Tinnin, Tully, and Venable—27.

On the adoption of the amendment as amended, the ayes and noes were demanded by Messrs. Tinnin, Norton, and Hay, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Barton, Bowers, Bradley, Canfield, Chandler, Coggins, Cowdery, Cressler, Franck, Freidenrich, Gray, Gurnett, Heald, Hurlburt, Ingham, Kercheval, Knox, McCallum, Meyers, Miller, Norton, Patterson, Rogers, Swift, Vandall, Wickware, and Winchell—28.

NOES—Messrs. Ables, Bryan, Burt, Byers, Clark, Davis, Escandon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Klotz, Murphy, Northcutt,

Parker, Peek, Pelham, Pishon, Russell, Simperts, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Venable, Welch, Williams, and Mr. Speaker—39.

The bill was read a third time, and passed.

Mr. Williams gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed the bill.

The Speaker ruled that the notice given by Mr. Tinnin, this morning, of his intention to move a reconsideration of the vote by which the House passed Senate Bill No. 405, was out of order, on the ground that there had previously been a reconsideration on the passage of the bill, and a second reconsideration on the same stage of the bill could not be entertained.

Mr. Terrill, seconded by Messrs. Tinnin and Howe, appealed from the decision of the Chair.

On the question, "Shall the decision of the Chair stand as the decision of the House?" the roll was called, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Miller, Norton, Parker, Patterson, Pelham, Pishon, Rogers, Roush, Russell, Snyder, Stowers, Swift, Thomas, Tully, Vandall, Venable, Welch, and Winchell—58.

**NOES**—Messrs. Davis, Murphy, Northcutt, Summers, Terrill, and Tinnin—6.

At four o'clock and twenty five minutes P. M., on motion of Mr. Gray, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORTS.

By Mr. Thomas:

Mr. SPEAKER: The Santa Cruz delegation, to whom was referred Senate Bill No. 533—An Act to provide for the construction of bridges across the San Lorenzo and Pajaro Rivers—would respectfully report the same back with an amendment, and recommend its passage as amended.

THOMAS.

Senate Bill No. 533, above reported, amended, rules suspended, bill read a third time, and passed.

By Mr. Welch:

Mr. SPEAKER: The Committee of Conference on Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to

lease a certain toll road in said county, and for other purposes—beg leave to report the same back, and recommend that the Senate recede from its amendment.

WELCH,  
THOMAS,  
HOWE,

On part of the Assembly.

G. C. PERKINS,  
B. F. TUTTLE,  
On part of the Senate.

Report adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hammitt—An Act to grant certain wharf privileges in Contra Costa County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Barton—An Act to pay the bill of P. Conlan for board and lodgings furnished to two companies of the National Guard, on December sixth, eighteen hundred and seventy-one.

Read first and second times, and referred to the Committee on Claims.

By Mr. Freeman—An Act supplemental to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Read first and second times, rules suspended, and House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

Bill considered in Committee of the Whole, when, on motion of Mr. Terrill, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 739—An Act supplementary to an Act entitled an Act to aid the construction of the Central Pacific Railroad, and to secure the use of the same to this State for military and other purposes, and other matters relating thereto, approved April fourth, eighteen hundred and sixty-four.

Taken up out of its order, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Senate Substitute for Assembly Bill No. 45—An Act to repeal an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and for other purposes.

House refused to adopt the Senate substitute.

## REPORTS.

By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 531—would report the same back, and recommend its passage as amended.

GURNETT,  
AMERMAN.

Senate Bill No. 531, above reported, taken up, amended, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Simpson:

Mr. SPEAKER: The Colusa delegation, to whom was referred Senate Bill No. 483—An Act to regulate fees and salaries, etc., in the County of Colusa—beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

SIMPSON, for Delegation.

Senate Bill No. 543, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Franck:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Senate Bill No. 530—An Act to repeal an Act entitled an Act to authorize the City of San José to issue bonds to provide sewerage for said city—have had the same under consideration, report it back, and recommend its passage.

FRANCK, for Delegation.

Senate Bill No. 530, above reported, rules suspended, bill read a third time, and passed.

## GENERAL FILE.

Senate Bill No. 381—An Act to amend sections thirty-nine hundred and seventy-seven and thirty-nine hundred and eighty-five of the Political Code.

On a motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Clark, Peek, and Fahey, and the House refused, by the following vote:

AYES—Messrs. Barton, Bryan, Clark, Coggins, Cressler, Fahey, Gilmore of Calaveras, Hammitt, Higbie, Hurlburt, Kercheval, Klotz, McBride, McCallum, Murphy, Simpson, Snyder, Swift, Tinnin, Venable, Wickware, and Mr. Speaker—22.

NOES—Messrs. Ables, Aldrich, Amerman, Bowers, Bradley, Burt, Byers, Canfield, Carter, Chandler, Cowdery, Davis, Escandon, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gray, Hay, Heald, Hull, Howe, Ingham, Knox, Miller, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Russell, Stowers, Terrill, Thomas, Tully, Vandall, Welch, Williams, and Winchell—45.

Mr. Peek moved to amend the bill, as follows: Amend by striking out "three fourths," wherever it occurs, and insert "majority;" on which the ayes and noes were demanded by Messrs. Gray, Barton, and Simpson, and the House refused, by the following vote:

**AYES**—Messrs. Barton, Chandler, Coggins, Cressler, Escandon, Fahey, Gilmore of Calaveras, Hamill, Hammitt, Heald, Higbie, Hurlburt, Kercheval, Klotz, McBride, McCallum, Murphy, Rea, Simpson, Snyder, Summers, Swift, Tinnin, Thomas, Venable, Wickware, and Mr. Speaker—27.

**NOES**—Messrs. Ables, Aldrich, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Carter, Clark, Cowdery, Davis, Freeman, Freidenrich, Giffen, Gilmore of El Dorado, Gray, Gurnett, Hay, Hill, Howe, Ingham, Knox, Meyers, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rogers, Russell, Stowers, Terrill, Tully, Vandall, Welch, Williams, and Winchell—41.

Bill read a third time, and passed.

Mr. McCallum gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed the bill.

#### REPORT.

By Mr. Murphy:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts, to whom was referred certain bills and accounts, beg leave to report that they have examined the following, and found them correct, and recommend that they be paid:

W. F. Rand.....	\$31 25
H. M. La Rue.....	10 00
Pacific Ice Company.....	26 00
George M. Parker.....	35 00

*Resolved*, That the Controller be and he is authorized and directed to draw warrants in favor of the persons named in the above report of the Committee on Public Expenditures and Accounts, for the sums set opposite their respective names, and the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

MURPHY, Chairman.

Adopted.

#### SPECIAL ORDER.

The Speaker announced the special order to be consideration of the Governor's veto message, returning, without his approval, Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street-car conductors and drivers, and to amend section three thousand two hundred and forty-four of said Code.

The Speaker announced the question to be: "Shall the bill pass, notwithstanding the objections of the Governor;" on which the roll was called, and the House refused, by the following vote:



**AYES**—Messrs. Ables, Amerman, Barton, Carter, Coggins, Cowdery, Davis, Escandon, Fahey, Giffen, Gilmore of Calaveras, Gurnett, Heald, Hill, Howe, Hurlburt, Ingham, Long, McBride, Miller, Murphy, Northcutt, Parker, Patterson, Peek, Pelham, Rogers, Simpson, Stowers, Terrill, Vandall, and Welch—32.

**NOES**—Messrs. Aldrich, Bowers, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Clark, Cressler, Franck, Freeman, Freidenrich, Ferguson, Gray, Hamill, Hamnutt, Hay, Higbie, Kercheval, Klotz, Knox, McCallum, Meyers, Northup, Norton, Pishon, Rea, Simpers, Snyder, Summers, Swift, Tiunin, Thomas, Tully, Venable, Wickware, Winchell, and Mr. Speaker—39.

Whereupon, the Speaker announced that this House sustains the Governor's veto, which reads as follows:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March, 1874. }

*To the Assembly of the State of California:*

I respectfully return to your honorable body Assembly Bill No. 111—An Act to amend the Political Code of the State of California, and to protect the health and regulate the hours of labor of street car conductors and drivers, and to amend section thirty-two hundred and forty four of said Code—without approval.

Section thirty two hundred and forty-four of the Political Code reads: "Eight hours of labor constitute a day's work, unless it is otherwise expressly stipulated by the parties to a contract." The bill under consideration provides:

First—That twelve hours shall constitute a day's work for the drivers and conductors of street cars for the carriage of passengers, and that any contract for a greater number of hours' labor in one day shall be void; and every such person laboring over twelve hours in one day, shall recover from his employer one dollar for each additional hour, as a penalty.

Second—That any corporation, owner, agent, or Superintendent, who shall knowingly employ any person as a conductor or driver of a passenger car upon a street railroad for more than twelve hours in any one day, shall forfeit the sum of fifty dollars, as a penalty for such offense, to the use of the person prosecuting any action therefor.

The bill, as an amendment to existing laws, is upon the theory that all men of lawful age, except insane persons, and the drivers and conductors of cars upon street railroads, can make their own contracts for wages and hours of labor. It does not even exempt from the operations of the general law any other classes (as hostlers, ticket clerks, or mechanics,) of the employes of street railroads. It is special legislation in regard to two classes of persons, and can only be justified upon the assumption that their necessities are so extreme they are compelled to accept bargains so unconscionable that the law will interfere. I am clearly of opinion, that under the operation of the inexorable law of supply and demand, the wages of labor cannot be fixed by legislative enactment, and that the practical effect of this bill would be to reduce wages, in the two instances specified, in the same proportion as the hours are reduced, and compel an additional reduction by the friction it creates. The laborer too often has to sell Monday's labor to buy Tues-

day's bread, and every artificial obstruction in the sale of Monday's labor only tends to make the bread of Tuesday harder and scantier.

The bill, in effect, says to the man seeking employment as driver or conductor, whatever may be your necessities or hopes, you shall not labor for one employer more than twelve hours per day.

All occupations are equally open to drivers and conductors with all other men. Can the law make a better contract for them than they can make for themselves? If a man prefer to work in his vocation fifteen hours for two dollars and fifty cents, rather than twelve hours for two dollars, is the law which prevents him a substantial kindness to him? That the necessity which lies behind such a choice, or which induces him to make either contract, is a hardship, is too true. If the law could remove that, it would indeed be blessed. But, since it cannot, does not attempt it, cannot even judge of its extent in individual cases, is it wise to prevent the individual from making his own choice in his own individual case?

No man will accept employment for more than twelve hours per day, except to escape from some greater hardship. Is it right to close this avenue of escape—to cut off his right to choose for himself between want in his family and extreme toil for himself?

The classes this bill seeks to benefit, would hardly admit that there was anything in the nature of their employment to differentiate it from that of all other free labor, and assimilate it to that of servitude, which the law must of necessity regulate in the absence of free agency.

The fact that any man in a land of plenty is compelled to work more than twelve hours a day to procure bread for his family, is a sad commentary upon our civilization and society; the more sad when we know there are hundreds of applicants for so poor a boon as the opportunity to do so. The great evil is, not that a few men in one employment do this, but that there are so many who would be glad to. If the necessity of laboring for disproportionate pay, or of devoting the natural hours of rest and recreation to severe toil, were peculiar to the classes named, the law might possibly modify the wrong; or, it is more reasonable to think, society itself would soon supply a complete remedy. It is because the same unadjusted conflict between the right and the wrong is active and clearly visible in many other occupations, that legislation looking only to one feature of a vast system, is of questionable power. To remember the car driver, and forget the seamstress; to pity and provide for the conductor, and forget the many who have equal claims to consideration; to guard one class against oppression, and neglect a larger number in whose tacit demands for relief precisely the same principle is involved—is to invest the statute with a character which is partial, and is to make the law invidious.

Overwork and underpay are common factors in a great problem; they constitute an evil in all countries. This great central evil there is no attempt to reach. In the sharp competitions of society, in the relations between capital and labor, which are the outgrowth of our imperfect civilization, perhaps any attempt to reach it by direct legislation, would be futile. It is a part of the theory of our Government that its adult citizens are free agents; that they can select their employments and judge of their abilities and necessities to better advantage to themselves than the State can for them. Deeply convinced that this bill is in con-

travention of that theory, and that its practical effect would be an injury to the class it seeks to benefit, I am constrained to return it without approval.

NEWTON BOOTH,  
Governor.

#### GENERAL FILE RESUMED.

Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State.

Rules suspended, the bill considered engrossed, read a third time, and passed.

On motion of Mr. Murphy, the House took up, out of its order, Senate Bill No. 510—An Act to add to the Penal Code sections punishing telegraphic corporations for making discriminations in their charges.

The substitute reported by the Committee on Corporations was adopted, the bill was further amended, read a third time, and on its passage the ayes and noes were demanded by Messrs. Bowers, Clark, and Howe, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Byrnes, Canfield, Carter, Coggins, Cowdery, Cressler, Davis, Escandon, Fabey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Hammitt, Hay, Heald, Hill, Howe, Hurlburt, Long, McCallum, Meyers, Miller, Murphy, Northcutt, Norton, Parker, Patterson, Peek, Pelham, Rea, Rogers, Russell, Simpson, Snyder, Stowers, Summers, Swift, Terrill, Tinnin, Thomas, Vandall, Venable, Welch, Wickware, Winchell, and Mr. Speaker—56.

NOES—Messrs. Bowers, Chandler, Clark, Higbie, Klotz, Knox, McBride, Northup, and Pishon—9.

At eight o'clock and fifty minutes P. M., Mr. Terrill moved to adjourn. Lost.

#### REPORT.

By Mr. Welch:

MR. SPEAKER: The Lake and Solano County delegation, to whom was referred Assembly Bill No. 689—An Act to provide for the construction of a railroad from Suisun, in the County of Solano, to Lakeport, in the County of Lake, and to regulate fares and freights thereon—beg leave to report the same back, and recommend its passage.

HEALD,  
WELCH,  
For Delegation.

Assembly Bill No. 689, above reported. rules suspended, bill considered engrossed, read a third time, and passed.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 26th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the

Senate, on this day, refused to pass Assembly Bill No. 2—An Act to regulate freights and fares on the railroads in the State of California.

E. L. CRAWFORD,  
Assistant Secretary.

GENERAL FILE RESUMED.

Assembly Bill No. 553—An Act in relation to stock roads.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 441—An Act to authorize the Boards of Supervisors of the counties named therein to transfer certain Funds, and to empower the Boards of Supervisors of the said counties to levy a tax, when necessary, to provide the means to return said Funds when required.

Referred to the Committee on Swamp and Overflowed Lands, with instructions to insert an amendment proposed by Mr. Meyers.

Senate Bill No. 130—An Act to amend the Political Code, and other matters concerning military affairs.

Read a third time, and, on the passage of the bill, the ayes and noes were demanded by Messrs. Tinnin, Bowers, and Frauck, and the House refused, by the following vote:

**AYES**—Messrs. Cressler, Davis, Dixon, Franck, Giffen, Gilmore of El Dorado, Hammitt, Hill, Hurlburt, Ingham, Northcutt, Parker, Patterson, Pelham, Rea, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, and Venable—22.

**NOES**—Messrs. Ables, Aldrich, Amcrman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Fahey, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hay, Heald, Higbie, Howe, Klotz, Knox, Long, McBride, Meyers, Miller, Murphy, Northup, Norton, Peek, Pishon, Rogers, Russell, Swift, Terrill, Thomas, Welch, Wickware, Winchell, and Mr. Speaker—49.

At nine o'clock and twenty minutes P. M., Mr. Bowers moved to adjourn.

Lost.

Mr. Ferguson gave notice that he would, to-morrow, move to reconsider the vote by which the House, to-day, refused to pass Senate Bill No. 130.

RESOLUTION.

By Mr. Hurlburt:

*Resolved*, That the Committee on Swamp Lands be instructed to further amend Senate Bill No. 441 by inserting after "San Joaquin," "Humboldt County."

Adopted.

GENERAL FILE RESUMED.

Assembly Bill No. 720—An Act to amend an Act entitled an Act to punish adultery, approved March fifteenth, eighteen hundred and seventy-two.

Passed on the File.

## REPORT.

By Mr. Tully:

Mr. SPEAKER: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 441—An Act to authorize the Boards of Supervisors of the counties therein named to transfer certain Funds, and to empower the Boards of Supervisors of the said counties to levy a tax when necessary to provide the means to return said Funds when required—have amended the same, according to instructions, and report it back for your consideration.

TULLY, for Committee.

Senate Bill No. 441, above reported, amended, read a third time, and passed.

## GENERAL FILE RESUMED.

Assembly Bill No. 633—An Act to prevent discrimination against female teachers.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

Assembly Bill No. 730—An Act authorizing the Board of Supervisors of San Mateo County to construct and maintain a county road in said county.

Rules suspended, bill considered engrossed, read a third time, and passed.

Senate Bill No. 334—An Act to authorize the Controller and Treasurer of State to transfer certain Funds.

Read a third time, and passed.

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

Ordered to the head of the File for to-morrow.

Senate Bill No. 412—An Act to reimburse the several counties of this State for moneys paid for copies of the Codes, and to provide for a more complete distribution thereof.

Referred to the Judiciary Committee.

Senate Bill No. 414—An Act legalizing the State tax and assessments in the several counties in eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Read a third time, and passed.

Senate Bill No. 452—An Act to provide for the collection of the unpaid taxes due for the fiscal years eighteen hundred and seventy-two-three and eighteen hundred and seventy-three-four.

Read a third time, and passed.

Senate Bill No. 425—An Act to release the claim of the State of California to certain lands.

Passed on the File.

Assembly Bill No. 425—An Act to prevent monopoly of the timber and grazing lands of the State of California.

Made the special order for April fifth.

At nine o'clock and forty minutes P. M., on motion of Mr. Tinnin, the House adjourned.

M. M. ESTEE,  
Speaker.

J. A. BRUMSEY,  
Assistant Clerk.

## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Friday, March 27th, 1874. }

House met pursuant to adjournment.  
Speaker in the chair.  
Roll called, and a quorum present.  
Prayer by the Chaplain.  
Reading of yesterday's Journal dispensed with.

## MOTION.

Mr. Freeman moved that the Speaker appoint a committee of three to compare the Journal for the remainder of the session.

Carried.

The Speaker appointed Messrs. Bowers, Simpers, and Morgan as such committee.

## PETITION.

By Mr. Swift—from citizens of San Francisco, asking an appropriation for the benefit of "The Little Sisters' Infant Shelter."

Referred to the Committee on Ways and Means.

## REPORTS.

By Mr. Freeman:

MR. SPEAKER: The Committee on Ways and Means, after considering Assembly Bill No. 722—An Act to exempt certain firemen in the County of Tuolumne from jury duty, and from the payment of poll tax—report the same back, and recommend that it do not pass.

Also, Assembly Bill No. 56—An Act to provide for assessing all the property of the State, and to prevent double taxation—report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 43—An Act to promote equal and prohibit double taxation—report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 328—An Act to prevent double taxation—report the same back, with the recommendation that it do not pass.

Also, Assembly Bill No. 675—An Act for the relief of the Sacramento Protestant Orphan Association—with the recommendation that it do not pass.

Also, Assembly Bill No. 725—An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two—which, after amending, in section seven, by striking out the words "seventy-five" and inserting "sixty," and, in section twelve, by striking out all after the word "Act," is reported back, with the recommendation that the bill, as amended, pass.

Also, the committee report a bill—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies—the passage of which is recommended.

FREEMAN, Chairman.

The Committee Bill, above reported—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies—was taken up, read first and second times, and ordered on File.

Assembly Bill No. 722, above reported, indefinitely postponed.

Assembly Bill No. 43, above reported, engrossment refused.

Assembly Bill No. 56, above reported, engrossment refused.

Assembly Bill No. 328, above reported, engrossment refused.

Assembly Bill No. 675, above reported, ordered on File.

Assembly Bill No. 725, above reported, amended, and ordered on File.  
By Mr. Tinnin:

Mr. SPEAKER: The Committee on Claims have had under consideration Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California to audit and pay a certain claim—have amended the same, report it back, and recommend its passage as amended.

Also, have had under consideration Assembly Resolution—to allow A. F. Thompson sixty dollars, for work done as Journal Clerk at the nineteenth session of the Legislature—report it back, and recommend that it do not pass.

TINNIN, Chairman.

Assembly Bill No. 659, above reported, amended, rules suspended, bill considered engrossed, read a third time, and passed, and ordered engrossed out of its order.

Resolution above reported, House refused to adopt.

By Mr. Higbie:

Mr. SPEAKER: The Committee on Education, to whom was referred Senate Bill No. 316—amending certain sections and repealing certain sections of the Political Code, relating to the government of the State Normal School—report the same back with an amendment, and recommend its passage as amended.

HIGBIE, for Committee.

Senate Bill No. 316, above reported, amended, read a third time, and passed.

By Mr. Norton:

Mr. SPEAKER: Your Committee on the Political Code, to whom was referred Assembly Bill No. 709—An Act to repeal section five hundred and thirty-six of the Political Code, and to repeal an Act entitled an Act in relation to the State Printer, approved April first, eighteen hundred and seventy-two—having had the same under consideration, respectfully report it back with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 515—An Act to amend the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 499—An Act to amend section six hundred and fifty-six of the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code—report it back, and recommend its passage.

Also, Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code, approved March twelfth, eighteen hundred and seventy-two—report it back, and recommend its passage.

Also, Assembly Bill No. 636—An Act to amend sections seven hundred and fifty-three and two thousand three hundred and sixteen of the Political Code—report it back, and recommend its passage.

Also, Assembly Bill No. 657—An Act to amend section three thousand three hundred and seventy-nine of the Political Code of this State—report it back, and recommend that it do not pass.

NORTON, Chairman.

Senate Bill No. 515, above reported, taken up, read a third time, and passed.

By Mr. Wickware:

MR. SPEAKER: Your Committee of Conference to whom was referred Assembly Bill No. 578—An Act authorizing the lease of a school lot in the City and County of San Francisco—beg leave to report that the Senate receded from its amendment striking out all after the word "require," in line forty nine, up to and including the word "month," in line sixty-six, and your committee agreed to all the other Senate amendments.

WICKWARE,  
HOWE,  
FREIDENRICH.

By Mr. Rogers:

MR. SPEAKER: The Committee of Conference on Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code—recommend that the Assembly concur in the Senate amendment.

A. J. PELHAM,  
W. P. PEEK,  
D. ROGERS.

Report adopted.

By Mr. Meyers:

MR. SPEAKER: The Committee on Rules and Employés, to whom was referred report and resolution of the Committee on Public Buildings and Grounds, allowing Wm. Hinkson, for clerk hire, seventy dollars, and J. O. Mahoney, A. M. Gray, and J. J. Doyle, one hundred dollars each, making an aggregate of three hundred and seventy dollars—have carefully considered the same, and from the best information we have been able to obtain, we are satisfied that the amounts allowed by the Committee on Public Buildings and Grounds, are proper; wherefore, we beg leave to report back the accompanying resolution of said committee to the House, and recommend its adoption.

SAMUEL MEYERS,  
For Committee.

The resolution above reported was adopted.



By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred Assembly Bill No. 340—have examined Senate amendments to the bill, and report it back, with the recommendation that it pass.

GURNETT,  
AMERMAN.

Assembly Bill No. 340, above reported, House concurred in Senate amendments, as recommended by the committee.

By Mr. Kercheval:

Mr. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants—report that they have considered the same, and report it back, and recommend that section two be stricken out, and a majority of the committee recommend its passage, minority against.

Also, Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen—report it back, and recommend its passage.

Also, Assembly Bill No. 757—An Act to amend an Act entitled an Act granting to the City of Monterey the title to the waterfront of said city, in the Bay of Monterey—report the same back without recommendation.

R. KERCHEVAL, Chairman.

#### RESOLUTION.

By Mr. Murphy:

*Resolved*, That the Enrolling Clerk of the Assembly be instructed to change the word "innumerate" to "enumerate," wherever it occurs in Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California.

Adopted.

#### RECONSIDERATION.

Mr. Tinnin, pursuant to notice, moved to reconsider the vote by which the House, yesterday, passed Senate Bill No. 506.

Mr. Ferguson moved to indefinitely postpone the motion to reconsider.

Carried.

Pursuant to notice, Mr. Norton moved to reconsider the vote by which the House, yesterday, passed Senate Bill No. 381.

On motion of Mr. Gray, the motion to reconsider was indefinitely postponed.

Pursuant to notice, Mr. Ferguson moved to reconsider the vote by which the House, yesterday, refused to pass Senate Bill No. 130.

Mr. Freeman moved to lay the motion to reconsider on the table, on which the ayes and noes were demanded by Messrs. Snyder, Ferguson, and Kercheval, and the House so ordered, by the following vote:

AYES — Messrs. Ables, Aldrich, Amerman, Barton, Bradley, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Cowdery,

Fabey, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hay, Heald, Howe, Long, McCallum, Meyers, Miller, Murphy, Northup, Norton, Patterson, Peek, Pishon, Rogers, Roush, Russell, Stowers, Swift, Terrill, Thomas, Wickware, Williams, and Mr. Speaker—44.

NOES—Messrs. Bryan, Cressler, Davis, Dixon, Escandon, Franck, Ferguson, Gilmore of El Dorado, Hammitt, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, McBride, Pelham, Rea, Snyder, Summers, Tinnin, Tully, Vandall, Venable, and Welch—25.

#### REPORT.

By Mr. Terrill:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 764—An Act to empower the Board of Supervisors of the City and County of San Francisco to adjudicate a certain claim—beg leave to report it back, and recommend that it do not pass.

Also, Senate Bill No. 525—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the damage awards to certain owners of property in the matter of opening Second street—report it back, with an amendment, and state that a majority are opposed to the passage of the bill, and a minority in favor of its passage as amended.

TERRILL, for Delegation.

[Mr. Amerman in the chair.]

Senate Bill No. 525, above reported, amended, read a third time, and on the passage of the bill the ayes and noes were demanded by the requisite number, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Amerman, Bowers, Byrnes, Clark, Coggins, Davis, Escandon, Fabey, Franck, Freidenrich, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hamill, Hammitt, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Murphy, Parker, Peek, Rea, Rogers, Simpson, Snyder, Stowers, Summers, Thomas, Tully, Wickware, Williams, Winchell, and Mr. Speaker—46.

NOES—Messrs. Aldrich, Barton, Bradley, Bryan, Burt, Byers, Canfield, Carter, Chandler, Cowdery, Cressler, Dixon, Freeman, Gilmore of El Dorado, Knox, Patterson, Pishon, Roush, Swift, Terrill, Tinnin, Vandall, Venable, and Welch—24.

[Speaker in the chair.]

Assembly Bill No. 764, above reported, House refused to engross the bill.

#### RESOLUTIONS.

By Mr. Terrill:

*Resolved*, That Assembly Bill No. 752—An Act entitled an Act to provide for the further construction of the City Hall in the City and County of San Francisco—being engrossed out of its order, the Engrossing Clerk be directed to return said bill to the House, so that the same may be transmitted to the Senate.

Adopted.

By Mr. Howe:

*Resolved*, That Standing Rule Number Fifty-five of this House be suspended.

Adopted.

**REPORT.**

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California to audit and pay a certain claim.

BRADLEY, Chairman.

**MESSAGE FROM THE GOVERNOR.**

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 26th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 574—An Act to authorize the Board of State Harbor Commissioners to make repairs upon private wharves in their possession.

Also, Assembly Bill No. 637—An Act making the County Treasurer of San Joaquin County ex officio Tax Collector, and the Recorder ex officio County Auditor.

Also, Assembly Bill No. 540—An Act to legalize a certain assessment in the City of Sacramento.

Also, Assembly Bill No. 715—An Act to repeal an Act entitled an Act to encourage the destruction of squirrels and gophers in certain counties of this State, approved February thirteenth, eighteen hundred and seventy-two, so far as it relates to the County of San Bernardino.

Also, Assembly Bill No. 651—An Act certifying and confirming action of Common Council of the City of Oakland for relief of J. N. Bailey.

Also, Assembly Bill No. 639—An Act to change the name of the Town of Mokelumne.

Also, Assembly Bill No. 403—An Act in relation to the Political Code.

Also, Assembly Bill No. 582—An Act relative to Swamp Land District Number One Hundred and Eighteen, in Contra Costa County.

Also, Assembly Bill No. 394—An Act to incorporate the Town of Hollister.

Also, Assembly Bill No. 516—An Act to amend the charter of the City of Healdsburg.

Also, Assembly Bill No. 349—An Act to authorize the Board of State Harbor Commissioners to adjust and pay certain claims.

NEWTON BOOTH,  
Governor.

Assembly Bill No. 725—An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two—reported this morning from the Committee on Ways and Means, was taken up out of its order.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Tinnin, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 725, above reported from Committee of the Whole, amendments recommended by committee adopted, rules suspended, bill considered engrossed, read a third time, and, on its passage, the ayes and noes were demanded by Messrs. Coggins, Gilmore of Calaveras, and Vandall, and the House so ordered, by the following vote:

**AYES**—Messrs. Amerman, Barton, Bowers, Burt, Byers, Byrnes, Canfield, Carter, Clark, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Higbie, Hill, Howe, Ingham, Klotz, Long, Meyers, Miller, Murphy, Northup, Norton, Peek, Pishon, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Venable, Welch, Wickware, Williams, and Winchell—47.

**NOES**—Messrs. Aldrich, Bradley, Bryan, Chandler, Coggins, Cowdery, Cressler, Hammitt, Heald, Kercheval, Knox, McBride, McCallum, Rea, Swift, Vandall, and Mr. Speaker—17.

#### RESOLUTION.

By Mr. Bowers:

*Resolved*, That Rule Seventy-nine be temporarily suspended.

Referred to the Committee on Rules and Employés.

Mr. Bowers made a verbal report from the Committee on Examination of Journal, and declared the same correct, whereupon the Journal of yesterday was approved, by adoption of report.

At twelve o'clock M. the House took a recess until one o'clock.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 27th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the

Senate, on this day, passed Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County.

Also, passed Assembly Bill No. 666—An Act concerning the county records of the County of Marin.

Also, amended and passed Assembly Bill No. 746—An Act to authorize the Board of Supervisors of Santa Clara County to exempt firemen from payment of poll taxes for county purposes.

Also, that the Senate refused to recede from its amendments to Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty sixth and twenty-seventh fiscal years—and have appointed as a Committee of Free Conference Senators Evans, Graves, and Pendegast.

Also, refused to recede from its amendments to Assembly Bill No. 147—An Act to amend the Political Code in relation to highways—and have appointed as a Committee of Free Conference Senators Goodale, Tuttle, and Lindsey.

Also, that the Senate has concurred in Assembly amendments to Senate Bills Nos. 531, 441, 483, and 533.

Also, amended and passed Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

Also, amended and passed Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

Also, passed Assembly Bill No. 763—An Act granting further powers to the Board of Supervisors of the City and County of San Francisco.

Also, indefinitely postponed Assembly Bill No. 721—An Act to repeal an Act entitled an Act to amend an Act to reincorporate the Town of San Luis Obispo.

Also, passed Assembly Bill No. 750—An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees.

Also, passed Assembly Bill No. 753—An Act in relation to certain streets in the Town of Alameda.

Also, passed Assembly Bill No. 762—An Act relating to the School Fund of Lee School District, in Sacramento County.

Also, passed Assembly Bill No. 760—An Act to provide a new Groat Register for the County of Sacramento.

Also, passed Assembly Bill No. 761—An Act relating to the office of District Attorney of Sacramento County.

Also, passed Assembly Bill No. 388—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California.

Also, passed Assembly Bill No. 194—An Act to amend the Code of Civil Procedure, relative to liens of mechanics and others upon real property.

Also, amended and passed Assembly Bill No. 741—An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes.

Also, passed Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county.

Also, adopted Senate Concurrent Resolution No. 64—tendering the thanks of the Legislature to Samuel J. Bridge.

Also, that the Senate adopted the report of the Committee of Conference on Assembly Bill No. 578.

Also, on yesterday, passed Senate Bill No. 537—An Act granting leave of absence to the County Surveyor of Butte County.

Also, passed Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 307, above reported, read first and second times, and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 746, above reported, Senate amendments concurred in.

Assembly Bill No. 541, above reported, Senate amendments concurred in.

Substitute for Assembly Bill No. 66, above reported, Senate amendments concurred in.

Assembly Bill No. 242, above reported, Messrs. Freeman, Murphy, and Freidenrich appointed a Committee of Conference on the disagreeing vote of the two Houses on the bill.

Senate Bill No. 537, above reported, read first and second times, and ordered on File.

Senate Bill No. 526, above reported, read first and second times, and referred to the San Joaquin delegation.

Assembly Bill No. 741, above reported, Senate amendments concurred in.

Assembly Bill No. 460, above reported, Senate substitute adopted, read a third time, and passed.

Assembly Bill No. 147, above reported, Messrs. Snyder, Meyers, and Fahy were appointed a Committee of Conference on the disagreeing vote of the two Houses on the bill.

Senate Concurrent Resolution No. 64, above reported, adopted.

Following is the correspondence and resolution:

SAN FRANCISCO, August 20th, 1873.

DEAR SIR: It is an honorable custom among intelligent States to preserve in the archives the memorials of distinguished men, whose labors have contributed to the foundation and perpetuity of the commonwealth. It is the privilege of the private citizen to share this sentiment, and to increase its influence among men.

I desire to present to the State, as a testimony of my grateful sentiments and ardent hopes, the portrait of Manuel Micheltorena, Governor of the Department of California from the year eighteen hundred and forty-two to the year eighteen hundred and forty-five. The portrait is now in the rotunda of the Capitol, at Sacramento. General Micheltorena was the last Governor sent to California before the American acquisition. He was appointed by Santa Ana, in eighteen hundred and forty-two, then Dictator in Mexico, and, on account of the distracted condition of the country, was invested with extraordinary powers.

In the performance of his duties as Governor of California, he was able, intelligent, and faithful, both to the home government and to the province. He was a distinguished soldier. He served with Santa Ana in the Texas campaign, and was Major General in the war between

Mexico and the United States. He was a member of the Chamber of Deputies in the Congress that ratified the Treaty of Guadalupe Hidalgo, and voted for the ratification; and in the animated discussion which took place at that time, he was a leader and advocate of peace.

It seems to me fit and proper that his portrait should be placed among the memorials of men and the events of his own and of succeeding time.

With grateful recollections of the beginning and rise of the commonwealth, and with confident hopes of its future greatness,

I am, very respectfully, your obliged fellow citizen,

SAM. J. BRIDGE.

*His Excellency* NEWTON BOOTH,  
*Governor of California.*

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, August 23d, 1873.

SAM. J. BRIDGE, Esq.:

DEAR SIR: For the portrait of Manuel Micheltorena, the distinguished soldier and able statesman, who was Governor of California from eighteen hundred and forty-two to eighteen hundred and forty-five, presented by you to the State of California, to be placed in the rotunda of the Capitol, you will please accept the sincere thanks of the people of California, respectfully tendered to you by the officers of the present administration.

Very respectfully, yours,

NEWTON BOOTH,  
Governor.

*Resolved by the Senate, the Assembly concurring,* That the portrait of Governor Manuel Micheltorena, presented by Samuel J. Bridge, Esq., to the State of California, be and the same is hereby accepted, and the thanks of the Legislature are hereby tendered to him for his liberal and graceful donation to the State, so valuable as a memorial of its early history.

*Resolved,* That the Governor be requested to forward a copy of this resolution to Mr. Bridge, and that the correspondence accompanying the resolution be spread upon the Journals of the Senate and Assembly.

#### INTRODUCTION OF BILL.

Mr. Tinnin asked leave to introduce a bill—An Act to locate the county seat of Solano County—without previous notice.

Mr. Heald objected.

The Speaker submitted the question to the House, declared it carried by a two thirds majority, the bill was read a first time, when Mr. Heald objected to the second reading, and the Speaker stated the question to be: "Shall the bill be rejected?" on which the ayes and noes were demanded by Messrs. Heald, Ables, and Terrill.

Mr. Cowdery raised the point of order that the bill could not be considered against a single objection.

The Speaker ruled the point of order not well taken, for the reason that Rule Seventy-eight provides that any rule, except Rule Seven, can be temporarily suspended by a two thirds vote, and that two thirds had voted to suspend the rules.

Mr. Cowdery appealed from the decision of the Chair.

On the question: "Shall the decision of the Chair stand as the decision of the House?" the roll was called, and the Chair was sustained, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bowers, Bryan, Canfield, Carter, Clark, Coggins, Cressler, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hay, Higbie, Howe, Hurlburt, Ingham, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Vandall, Venable, Welch, and Williams—60.

**NOES**—Messrs. Bradley, Burt, Byers, Chandler, Cowdery, Gurnett, Hamill, Hammitt, Heald, Knox, Norton, Terrill, Wickware, and Winchell—14.

On the rejection of the bill, the roll was called, with the following result:

**AYES**—Messrs. Ables, Bradley, Burt, Byers, Cressler, Gray, Gurnett, Heald, Hurlburt, Knox, McCallum, Norton, Rea, Roush, Terrill, Thomas, Welch, Wickware, and Winchell—19.

**NOES**—Messrs. Aldrich, Amerman, Barton, Bowers, Bryan, Canfield, Carter, Chandler, Clark, Coggins, Cowdery, Davis, Dixon, Escandon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Higbie, Howe, Ingham, Kercheval, Klotz, Long, McBride, Meyers, Miller, Morgan, Murphy, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Tinnin, Tully, Vandall, Venable, and Williams—54.

On the motion of Mr. Tinnin to suspend the rules and consider the bill engrossed, the ayes and noes were demanded by Messrs. Terrill, Burt, and Norton, and the House so ordered, by the following vote:

**AYES**—Messrs. Aldrich, Amerman, Barton, Bowers, Bryan, Canfield, Carter, Chandler, Clark, Coggins, Davis, Dixon, Escandon, Fahey, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hay, Higbie, Howe, Ingham, Kercheval, Klotz, Long, McBride, Meyers, Miller, Morgan, Murphy, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Tinnin, Tully, Vandall, Venable, Welch, and Williams—52.

**NOES**—Messrs. Ables, Bradley, Burt, Byers, Cowdery, Cressler, Franck, Gray, Gurnett, Hamill, Hammitt, Heald, Hurlburt, Knox, McCallum, Norton, Rea, Roush, Terrill, Thomas, Wickware, and Winchell—22.

The bill was ordered engrossed out of its order, and to be placed at the head of the File for to-morrow.



## RESOLUTION.

By Mr. Pelham:

*Resolved*, That the Engrossing Clerk be requested to transmit Assembly Bill No. 633 to the Senate without engrossment—relating to female teachers employed in public schools.

Adopted.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hay—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Read first and second times, and referred to the Committee on Claims.

By Mr. Welch—An Act to fix the amount of the bonds of the Tax Collector of Lake County, and to amend section forty-one hundred and twenty-two of the Political Code, so far as the same affects said county.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

On motion of Mr. Tully, Assembly Bill No. 757—An Act to amend an Act entitled an Act granting to the City of Monterey the title to the waterfront of said city, in the Bay of Monterey—was taken up out of its order.

Mr. Vandall moved to indefinitely postpone the bill.

Adopted.

## REPORTS.

By Mr. Swift:

MR. SPEAKER: The San Francisco delegation, to whom was referred Assembly Bill No. 218—An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein—herewith return the bill, together with a substitute, and respectfully recommend that such substitute pass.

SWIFT, Chairman.

Assembly Bill No. 218, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amount of old balances due the State.

Also, Assembly Bill No. 633—An Act to prevent discrimination against female teachers.

Also, Assembly Bill No. 752—An Act to provide for the further construction of the City Hall, in the City and County of San Francisco.

Also, Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

BRADLEY, Chairman.

By Mr. Williams:

Mr. SPEAKER: The Judiciary Committee have considered Senate Bill No. 492—An Act to add two sections to the Political Code of California—and report it back with a substitute, and recommend the passage of the substitute.

WILLIAMS, Chairman.

Substitute for Senate Bill No. 492, above reported, adopted, read a third time, passed, and title amended.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 734—An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in the County of Humboldt, approved February twenty eighth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 645—An Act for the protection of coal mines and coal miners;

Also, Assembly Bill No. 499—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento;

Also, Assembly Bill No. 729—An Act giving the consent of the Legislature to Whitman B. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State;

Also, Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness;

Also, Assembly Bill No. 674—An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March thirty-first, eighteen hundred and sixty-six;

Also, Assembly Bill No. 745—An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges over the Santa Anna River, and to issue bonds for the payment of the same;

Also, Assembly Concurrent Resolution No. 60—requesting Professor Whitney to return to California all specimens by him collected;

Also, Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees;

Also, Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties;

Also, Assembly Bill No. 686—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two;

Also, Assembly Bill No. 653—An Act supplemental to an Act entitled an Act to regulate the fees of office, and to fix the compensation of the officers, in the County of Sacramento;

Also, Assembly Bill No. 691—An Act to provide for the preservation of the material of the Geological Survey of California;

Also, Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County, now constituting Ventura;

Also, Assembly Bill No. 634—An Act to extend the time in which

Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation;

Also, Assembly Bill No. 737—An Act to amend an Act to regulate salaries and fix compensation of certain officers in the County of Sonoma;

And that the same have, this twenty-seventh day of March, eighteen hundred and seventy-four, at twelve o'clock M., been delivered to the Governor, for his approval.

HAY, Chairman.

[Speaker pro tem., Mr. Howe, in the chair.]

#### RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Gilmore of Calaveras:

*Resolved*, That the Engrossing Clerk be instructed to engross out of its order, and have reported immediately, Assembly Bill No. 725.

Adopted.

By Mr. Amerman:

*Resolved by the Assembly, the Senate concurring*, That the following be adopted as a substitute for Joint Standing Rule Fifteen, viz: No bill shall be passed on the last day of the session, unless by the unanimous consent of both Houses.

Laid on the table.

By Mr. Canfield:

*Resolved*, That the Committee on Internal Improvements be requested to report back to this House immediately Assembly Bill No. 606, and that said bill be referred to the Fresno and Tulare delegation.

Adopted.

The resolution of Mr. Freidenrich, which reads as follows:

*Resolved by the Assembly, the Senate concurring*, That Joint Rule Number Fifteen be and the same is hereby suspended, and of no binding force during this session;

—Was taken from the table, and adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Cowdery—An Act to create the office of Gopher Commissioner and Oyster Planter, and prescribing their duties.

Read first and second times, and made the special order for Monday, at eight o'clock P. M.

By Mr. Coggins—An Act concerning the Supervisors of the County of Sacramento.

Read first and second times, rules suspended, bill considered engrossed,

read a third time, and passed, and ordered transmitted to the Senate without engrossment.

On motion of Mr. Williams, Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies—was taken up out of order.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Estee, the committee arose, and reported the bill back without recommendation.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 770, above reported from Committee of the Whole, on the engrossment of the bill the ayes and noes were demanded by Messrs. Coggins, Paulsell, and Tinnin, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Bowers, Burt, Byrnes, Canfield, Cowdery, Dixon, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Hay, Higbie, Hill, Howe, McBride, Miller, Murphy, Norton, Peek, Rea, Rogers, Roush, Russell, Simpers, Swift, Tinnin, Thomas, Tully, Welch, Wickware, Williams, Winchell, and Mr. Speaker—40.

**NOES**—Messrs. Barton, Bradley, Bryan, Byers, Carter, Chandler, Clark, Coggins, Cressler, Davis, Ferguson, Giffen, Gurnett, Heald, Hurlburt, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Parker, Patterson, Paulsell, Pelham, Pishon, Snyder, Summers, Terrill, Vandall, and Venable—31.

The bill was ordered engrossed out of its order.

Mr. Tinnin gave notice that he would, to-morrow, move to reconsider the vote by which the bill was passed.

#### REPORTS.

Reports were made as follows:

By Mr. Snyder:

**MR. SPEAKER:** The Committee of Free Conference on Assembly Bill No. 147—An Act to amend the Political Code relative to highways—after consultation, recommend that the Senate adhere to its amendment to section thirty-eight, and that the following counties be added to said section thirty-eight, line eight, after the word "Plumas," "Sacramento, Sutter, Mendocino, Mariposa, Alameda."

GEORGE S. EVANS,  
B. F. TUTTLE,  
DAVID GOODALE,  
Senate Committee.

E. FAHEY,  
J. W. SNYDER,  
SAMUEL MEYERS,  
Assembly Committee.

The report of the committee was adopted.

By Mr. Burt:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 725—An Act supplemental to an Act entitled an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two.

S. B. BURT.

By Mr. Byrnes:

MR. SPEAKER: Your committee to whom was referred Assembly Bill No. 606—An Act to authorize the Supervisors of Fresno County to extend the time for the completion of certain improvements—report the same back, without recommendation.

BYRNES, Chairman.

#### RESOLUTION.

By Mr. Welch:

*Resolved*, That Assembly Bill No. 689—An Act to provide for the construction of a railroad from Suisun, in Solano County, to Lakeport, in Lake County, and to regulate fares and freights thereon—be transmitted to the Senate without engrossment.

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 27th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 126—An Act to amend the Civil Code.

Also, passed Assembly Bill No. 205—An Act to amend the Political Code.

Also, passed Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County.

Also, concurred in Assembly amendments to Senate Bills Nos. 381, 316, and 525.

Also, refused to recede from its amendments to Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California—and have appointed as a Committee of Conference, Senators Pendegast, Finney, and Lindsey.

Also, concurred in the report of the Committee of Conference on Senate Bill No. 27—An Act to amend section three hundred and ninety-six of the Code of Civil Procedure.

Also, adopted the report of the Committee of Conference to Assembly Bill No. 147—An Act to amend the Political Code relative to highways.

Also, indefinitely postponed Assembly Bill No. 462—An Act to amend the Penal Code.

Also, indefinitely postponed Assembly Bill No. 332—An Act to create a permanent Commission on law codification.

Also, indefinitely postponed Assembly Bill No. 609—An Act to authorize the Governor to employ counsel in certain cases pending in the United States Courts.

Also, indefinitely postponed Assembly Bill No. 502—An Act to add two additional sections to the Penal Code.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 541—An Act supplemental to and amendatory of an Act entitled an Act providing for the keeping of more complete records in the County of Santa Clara, and prescribing the duties of certain officers in relation thereto, approved March third, eighteen hundred and seventy-four; also, an Act to regulate the fees of the County Recorder of Santa Clara County, approved March third, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 542—An Act supplementary to and amendatory of an Act entitled an Act supplementary to an Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy, approved April first, eighteen hundred and seventy-two.

Also, passed Senate Bill No. 543—An Act in relation to the City Hall Commissioners of San Francisco.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 126, above reported, Senate amendments concurred in.

Assembly Bill No. 205, above reported, Senate amendments concurred in.

Senate Bill No. 541, above reported, read first and second times, rules suspended, bill read a third time, and passed.

Senate Bill No. 542, above reported, read first and second times, and referred to the Calaveras delegation.

Senate Bill No. 543, above reported, read first and second times, and referred to the San Francisco delegation.

Assembly Bill No. 518, above reported, Senate amendments concurred in.

Assembly Bill No. 45, above reported, Messrs. Amerman, Swift, and McCallum were appointed a Committee of Conference, on the part of the House, on the disagreeing vote of the two Houses on the bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Howe—An Act providing for a paid fire department in the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Also, an Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a messenger to the Board of Fire Commissioners of said city and county.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Tinnin, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### RESOLUTIONS.

By Mr. Parker:

*Resolved*, That the State Printer be and is hereby instructed to print and deliver to the Secretary of State, nine hundred and sixty copies of the reports of the Land Monopoly Committee, and the Swamp Land Investigating Committee, together with the testimony taken by such committees, the same to be printed and bound as one volume.

*Resolved*, That when the printing and binding thereof shall be complete, the Secretary of State shall give notice in some newspaper published in Sacramento, and thereafter he shall mail copies of the same to members of this Legislature and State officers, in such number as they may apply and prepay postage for.

Referred to the Committee on Rules and Employés.

#### GENERAL FILE.

Assembly Bill No. 758—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California.

On the engrossment of the bill, the ayes and noes were demanded by Messrs. Klotz, Kercheval, and Heald, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Amerman, Barton, Bradley, Bryan, Burt, Canfield, Chandler, Clark, Coggins, Davis, Dixon, Fabey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gray, Hamill, Hammitt, Hay, Heald, Hill, Howe, Kercheval, Klotz, Knox, Long, McCallum, Meyers, Murphy, Northcutt, Norton, Parker, Patterson, Peek, Pelham, Pishon, Rea, Rogers, Roush, Russell, Snyder, Stowers, Summers, Terrill, Tinnin, Thomas, Tully, Vandall, Venable, Welch, and Winchell—54.

**NOES**—Messrs. Aldrich, Byers, Carter, Cowdery, Cressler, Giffen, Gilmore of El Dorado, Hurlburt, McBride, and Wickware—10.

#### REPORT.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 770—An Act

making appropriations for benevolent purposes, and to provide for certain deficiencies—ordered engrossed out of its order.

BRADLEY, Chairman.

GENERAL FILE RESUMED.

Senate Bill No. 378—An Act to amend an Act to establish a State Printing Office, and to create the office of Superintendent of Public Printing, approved March twenty-sixth, eighteen hundred and seventy-two.

[Mr. Thomas in the chair.]

The bill was indefinitely postponed.

[Speaker in the chair.]

Assembly Bill No. 454—An Act to discourage drunkenness and diminish crime and pauperism.

Passed on the File.

Assembly Bill No. 720—An Act to amend an Act entitled an Act to punish adultery, approved March fifteenth, eighteen hundred and seventy-two.

Made the special order for Monday next, at eleven o'clock and thirty minutes P. M.

Senate Bill No. 425—An Act to release the claim of the State of California to certain lands.

Made the special order for one week from to-day.

Assembly Bill No. 711—An Act to protect litigants and others in the publication of legal and other notices.

Made the special order for April first.

Assembly Bill No. 713—An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds.

The House went into Committee of the Whole for the consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Freeman, the committee arose, reported the bill back, and recommended its passage.

IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 713, above reported, amendment recommended by the committee adopted, rules suspended, bill considered engrossed, and, on its passage, the ayes and noes were demanded by Messrs. Terrill, Vandall, and Freeman, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Bowers, Byrnes, Canfield, Clark, Cowdery, Cressler, Davis, Fahey, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Hill, Howe, Hurlburt, Ingham, Klotz, McCallum, Meyers, Morgan, Murphy, Northup, Norton, Peek, Pishon, Rogers, Russell, Simpers, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—47.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Burt, Byers, Carter, Chandler, Coggins, Franck, Heald, Kercheval, Knox, Long, Miller, Northcutt, Pelham, Rea, Roush, Swift, Terrill, and Vandall—22.



Mr. Freeman gave notice that he would, to-morrow, move to reconsider the vote by which the House, to-day, passed the bill.

#### INTRODUCTION OF BILL.

By Mr. Hamill—An Act making appropriations for the National Guard.

Read first and second times, and referred to the Committee on Ways and Means.

#### RESOLUTION.

By Mr. Clark:

WHEREAS, The Post Office Page has been compelled to perform certain kind of work besides what he is compelled by law to perform; be it

*Resolved*, That the Committee on Rules and Employés be authorized to make an investigation, and to recommend amount due him.

Referred to the Committee on Rules and Employés.

#### GENERAL FILE.

Assembly Bill No. 726—An Act to provide for the completion of the map of Central California.

House went into Committee of the Whole for consideration of the bill.

[Mr. Estee in the chair.]

The bill was considered in Committee of the Whole, when on motion of Mr. Burt, the committee arose, reported the bill back, and recommended its indefinite postponement.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 726, above reported, on the motion to indefinitely postpone the bill, the ayes and noes were demanded by Messrs. Rogers, Tinnin, and Howe, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Barton, Bowers, Burt, Canfield, Coggins, Davis, Dixon, Franck, Freeman, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hammitt, Hay, Heald, Hill, Kercheval, Knox, Long, McBride, Murphy, Northcutt, Northup, Parker, Peek, Pelham, Pishon, Rea, Snyder, Stowers, Summers, Tally, Vandall, Venable, and Mr. Speaker—36.

NOES—Messrs. Aldrich, Amerman, Bryan, Byrnes, Carter, Chandler, Clark, Cowdery, Fahey, Freidenrich, Ferguson, Gurnett, Hamill, Howe, Hurlburt, Ingham, Klotz, McCallum, Meyers, Miller, Morgan, Norton, Rogers, Roush, Russell, Simpers, Swift, Terrill, Thomas, Wickware, Williams, and Winchell—32.

Assembly Bill No. 714—An Act to make an appropriation for fitting up the Governor's Mansion for the purpose of using portions thereof as a State Printing Office and State Armory.

House went into Committee of the Whole for consideration of the bill.

[Mr. Howe in the chair.]

The bill was considered in Committee of the Whole, when, on motion

of Mr. Coggins, the committee arose, reported the bill back, and recommended that it be placed at head of the File.

#### IN ASSEMBLY.

[Speaker in the chair]

Assembly Bill No. 714, above reported, referred to Mr. Russell, with instructions to report to morrow.

Assembly Bill No. 380—An Act to authorize certain persons to improve a portion of the Mokelumne River, and reerect a boom thereon.

Amended, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORTS.

By Mr. Tully:

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County—have had the same under consideration, and report the same back, with the recommendation that it pass.

TULLY, Chairman.

By Mr. Tinnin:

MR. SPEAKER: Your Committee on Claims, to whom was referred Assembly Bill No. 772—An Act to authorize the State Board of Examiners to allow certain claims against the State—beg leave to report that they have carefully considered said bill, and report the same back, and a majority recommend its passage.

Your committee have also considered and amended Assembly Bill No. 768—An Act to pay the bill of P. Conlan for boarding and lodging furnished to two companies of the National Guard, on December sixth, eighteen hundred and seventy-one—and respectfully report the same back, without recommendation.

TINNIN, Chairman.

#### GENERAL FILE RESUMED.

Senate Bill No. 436—An Act to legalize certain proceedings in Reclamation District Number One Hundred and Twenty-four.

Pending consideration of the bill, at nine o'clock and forty minutes P. M., Mr. Simpson moved to adjourn.

Lost.

The bill was amended, and on its passage, the ayes and noes were demanded by Messrs. Murphy, Kercheval, and Heald, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Barton, Bradley, Bryan, Burt, Canfield, Carter, Clark, Coggins, Cowdery, Davis, Dixon, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gurnett, Hamill, Hammitt, Heald, Hill, Howe, Kercheval, Klotz, McBride, Murphy, Northcutt, Norton, Patterson, Peek, Rogers, Roush, Russell, Simpson, Snyder, Summers, Tinnin, Thomas, Tully, Wickware, and Winchell—42.

NOES—Messrs. Bowers, Byers, Chandler, Fahey, Franck, Giffen, Gilmore of El Dorado, Hay, Hurlburt, Ingham, Northup, Parker, Pelham, Rea, Simpers, Swift, Venable, and Welch—18.

Mr. Murphy gave notice that he would, on to-morrow, move to reconsider the vote by which the House, to-day, passed the bill.

On motion of Mr. Amerman, Senate Bill No. 307—An Act to amend the Political Code in reference to the boundaries of Alameda County—was taken up out of its order.

The bill was amended, read a third time, and passed.

Messrs. Aldrich, Freidenrich, Hamill, and Rogers desired to be recorded as voting against the passage of the bill.

At ten o'clock P. M., Mr. Tinnin moved to adjourn, on which motion the ayes and noes were demanded by Messrs. Hammitt and Hamill, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Barton, Bowers, Bradley, Bryan, Byers, Canfield, Chandler, Clark, Coggins, Cowdery, Davis, Giffen, Hill, Hurlburt, Ingham, Kercheval, Klotz, Long, McCallum, Meyers, Northup, Parker, Pelham, Rea, Russell, Snyder, Swift, Thomas, Venable, Welch, Wickware, and Winchell—36.

**NOES**—Messrs. Aldrich, Amerman, Burt, Carter, Cressler, Dixon, Fahy, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hay, Heald, Howe, McBride, Murphy, Northcutt, Norton, Patterson, Peek, Rogers, Simpser, Terrill, Tinnin, Tully, and Vandall—31.

J. A. BRUMSEY,  
Assistant Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY,  
Saturday, March 28th, 1874. }

The House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Reading of the Journal dispensed with.

## REPORTS.

Reports were submitted as follows:

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 730—An Act authorizing the Board of Supervisors of San Mateo County to construct and maintain a county road in said county.

Also, Assembly Bill No. 689—An Act to provide for the construction of a railroad from Suisun, in the County of Solano, to Lakeport, in the County of Lake, and to regulate fares and freights thereon.

Also, Assembly Bill No. 771—An Act to locate the county seat of So-lano County.

BRADLEY, Chairman.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 162—An Act to grant privileges to the North Beach and Mission Railroad—return the same herewith with an amendment, and recommend that the bill pass as amended.

SWIFT, for Delegation.

Senate Bill No. 162, above reported, amended, read a third time, and passed.

By Mr. Canfield:

Mr. SPEAKER: The Fresno and Tulare delegations, to whom was referred Assembly Bill No. 606—An Act to authorize the Supervisors of Fresno County to extend the time for the completion of certain improvements—have had the same under consideration, report it back, and recommend its passage.

CANFIELD, for Delegation.

Assembly Bill No. 606, above reported, rules suspended, bill considered engrossed, read a third time, and passed, and the bill ordered transmitted to the Senate without engrossment.

By Mr. Rea:

Mr. SPEAKER: The Santa Clara delegation, to whom was referred Assembly Bill No. 728—An Act to amend section three thousand nine hundred and fifty-two of the Political Code, and to better define the boundary line of Santa Clara County—have had the same under consideration, and report the same back, and recommend its passage.

REA, for Delegation.

Assembly Bill No. 728, above reported, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### RECONSIDERATION.

Pursuant to notice, Mr. Tinnin moved to reconsider the vote by which the House, yesterday, passed Assembly Bill No. 770 to engrossment.

Mr. Murphy moved to indefinitely postpone the motion to reconsider, on which the ayes and noes were demanded by Messrs. Coggins, Tinnin, and Gray, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Burt, Byers, Byrnes, Canfield, Cowdery, Cressler, Davis, Fahey, Franck, Freidenrich, Ferguson, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hamill, Hammitt, Hay, Higbie, Hill, Howe, Hurlburt, Ingham, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Peek, Rogers, Roush, Russell, Stowers, Summers, Swift, Terrill, Thomas, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—46.

NOES—Messrs. Barton, Bradley, Bryan, Chandler, Clark, Coggins, Giffen, Heald, Kercheval, Klotz, Knox, Parker, Patterson, Pelham, Pishon, Rea, Simpson, Snyder, Tinnin, and Vandall—20.

The bill was taken up, read a third time, and passed, and ordered transmitted to the Senate immediately.

Pursuant to notice, Mr. Kercheval moved to reconsider the vote by which the House, yesterday, passed Senate Bill No. 436.

On motion of Mr. Barton, the motion to reconsider was indefinitely postponed.

#### REPORTS.

Reports were made as follows:

By Mr. Kercheval:

Mr. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 388—An Act to create a swamp land reclamation district, to be known as Lake District Number One of Sacramento County—report that they have not had time in committee, but, in view of the close of the session, report it back without recommendation.

KERCHEVAL, Chairman.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 643—proposed amendments to the Constitution of the State of California.

BRADLEY, Chairman.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 27th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 769—An Act supplemental to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, passed and ordered transmitted without engrossment, Senate Bill No. 545—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure.

Also, passed Senate Bill No. 544—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 27th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, concurred in the report of the Committee of Conference on Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease certain toll roads in said county, and for other purposes.

E. L. CRAWFORD.  
Assistant Secretary.

SENATE CHAMBER,  
March 27th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 589—An Act to amend section four thousand and twenty-seven of the Political Code.

Also, passed Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment.

Also, passed Assembly Bill No. 724—An Act to authorize the Board of Supervisors of San Joaquin County to transfer certain funds.

Also, passed Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 27th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 328—An Act in relation to the formation of a new swamp land district.

Also, passed Assembly Bill No. 391—An Act to repeal an Act entitled an Act to amend an Act amendatory of and supplemental to an Act regulating rodeos.

Also, amended and passed Assembly Bill No. 301—An Act to protect agriculture and to prevent the trespassing of animals in the County of Tehama.

Also, passed Assembly Bill No. 665—An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin.

Also, passed Assembly Bill No. 620—An Act in relation to suits against the County of Marin for damages on account of laying out public roads.

Also, passed Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Salinas City to build a school house and to provide for a fire department in said city, to issue bonds therefor, and to provide for the payment of the same.

Also, amended and passed Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant drawn by the Auditor of the County of Yolo against the Swamp Land District Fund of District Number Eighteen.

Also, passed Assembly Bill No. 683—An Act for the relief of Joseph Legget, of the City and County of San Francisco.

Also, passed Assembly Bill No. 690—An Act amendatory of an Act

entitled an Act to prevent hunting and shooting on private grounds, and the destruction of growing timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 692—An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito.

Also, passed Assembly Bill No. 712—An Act to ratify and confirm Order Number One Thousand One Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco.

Also, passed Assembly Bill No. 736—An Act to change the name of the Town of New Republic to that of Santa Rita.

Also, amended and passed Assembly Bill No. 647—An Act amendatory of an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow.

Also, indefinitely postponed Assembly Bill No. 719—An Act to encourage the destruction of wild animals in the Counties of Monterey and San Benito.

Also, passed Assembly Bill No. 735—An Act to amend an Act entitled an Act to protect agriculture, etc., in the Counties of Fresno, etc.

Also, amended and passed Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin.

Also, passed Senate Bill No. 481—An Act to amend section one hundred and sixty-seven of the Civil Code.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water.

Also, passed Senate Bill No. 446—An Act to incorporate the Town of Sutter Creek.

Also, passed Senate Bill No. 144—An Act for the redemption of unused and uncanceled stamps heretofore sold by the State of California.

Also, amended and passed Assembly Bill No. 402—An Act to quiet title to certain lands.

Also, passed Assembly Bill No. 773—An Act to fix the amount of bonds of the Tax Collector of Lake County, and to amend section forty-one hundred and twenty-two of the Political Code, so far as the same affects said county.

J. B. CHINN,  
Assistant Secretary.

SENATE CHAMBER,  
March 28th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 546—An Act to pay officers and clerks of the Senate and Assembly for the twentieth session—and ordered the same transmitted without engrossment.

Also, indefinitely postponed Assembly Bill No. 723—An Act to amend an Act to protect agriculture and to prevent the trespassing of animals

upon private property, approved March twenty-seventh, eighteen hundred and seventy-two.

Also, indefinitely postponed Assembly Bill No. 208—An Act to amend an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property in San Diego, etc.

Also, on yesterday, refused to pass Assembly Bill No. 595—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county.

Also, on this day, passed Assembly Bill No. 717—An Act amendatory of and supplemental to an Act entitled an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four.

Also, passed Assembly Bill No. 567—An Act to declare Moro Cojo Slough, in Monterey County, navigable.

Also, passed Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Also, passed Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amount of old balances due the State.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 545, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 544, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 481, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 457, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 328, above reported, read first and second times, and referred to the Committee on Swamp and Overflowed Lands.

Senate Bill No. 496, above reported, read first and second times, and referred to the Alameda delegation.

Senate Bill No. 144, above reported, read first and second times, and referred to the Committee on Claims.

Senate Bill No. 546, above reported, read first and second times, the House went into Committee of the Whole for consideration of the bill.

[Mr. Estee in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Howe, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 546, above reported from Committee of the Whole, read a third time, and passed.

Assembly Bill No. 647, above reported, House refused to concur in Senate amendment.

Senate Bill No. 446, above reported, read first and second times, rules suspended, bill read a third time, and passed.



Assembly Bill No. 551, above reported, Senate amendments concurred

Assembly Bill No. 301, above reported, House refused to concur in first Senate amendment to section twenty-six, and concurred in second Senate amendment to section twenty-six.

Assembly Bill No. 281, above reported, Senate amendments concurred

Assembly Bill No. 402, above reported, Senate amendments concurred

#### REPORTS.

Reports were submitted as follows:

By Mr. Murphy:

MR. SPEAKER: Your Committee on Public Expenditures and Accounts have examined the following bills and accounts, found them correct, and recommend that they be paid:

TO WHOM DUE.	Amount.
Grass Valley Union.....	\$17 00
Mayor Ledger.....	3 00
Grass Valley Appeal.....	12 90
Colusa Independent.....	3 00
W. C. Houghton.....	21 25

*Resolved*, That the Controller be and he is hereby authorized and directed to draw warrants in favor of the persons named in the above report of the Committee on Expenditures and Accounts, for the sums opposite their respective names, and that the Treasurer be directed to pay the same out of the Contingent Fund of the Assembly.

MURPHY, Chairman.

Adopted.

By Mr. Bowers—from Committee on Examination of Journal, reporting the Journal of yesterday correct.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Freidenrich—An Act to regulate fees of office in the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Williams—An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Gilmore—An Act to levy taxes for county purposes, in the County of El Dorado.

Read first and second times, rules suspended, bill considered engrossed read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Howe—An Act to amend an Act entitled an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four.

Read first and second times, rules suspended, bill considered engrossed read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Williams—An Act to amend sections thirty-six hundred and ninety-four and thirty-seven hundred and thirteen of the Political Code.

Read first and second times, and made the special order for Monday at eleven o'clock A. M.

By Mr. Swift—An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots, in the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed read a third time, and passed.

By Mr. Freeman—An Act to amend sections thirty-seven hundred and thirty-seven hundred and one, and thirty-seven hundred and two of the Political Code.

Read first and second times, rules suspended, bill considered engrossed read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### REPORTS.

Reports were made as follows:

By Mr. Freeman:

Mr. SPEAKER: Your Committee of Free Conference on Assembly Bill No. 242 recommend:

First—That the Senate recede from the amendment made by it striking out the appropriation for salaries for the State Board of Examiners.

Second—That the House recede from its refusal to concur in Senate amendment making an appropriation for Saint Vincent Orphan Asylum and do concur in said amendment.

Third—That appropriations, as follows, be inserted in section one of said bill:

For salary of Controller of State, as member of the Board of Equalization, two thousand dollars.

For salaries of the two members of the Board appointed by the Governor, nine thousand six hundred dollars.

For salary of Clerk of the Board of Equalization, three thousand six hundred dollars.

For traveling expenses of the Board of Equalization, six thousand dollars.

For the payment of armory rents, and other expenses of the National Guard, as provided by law, sixty thousand dollars.

FREEMAN,  
FREIDENRICH,  
As to all but third item;  
MURPHY,  
House Committee.

EVANS,  
GRAVES,  
PENDEGAST,  
As to all but first item.  
Senate Committee.

The report was adopted.

#### RESOLUTIONS.

Resolutions were offered as follows:

By Mr. Murphy:

*Resolved*, That George Whitlock be and he is hereby allowed one dollar per day from the first day of the session to the thirtieth of March, 1874, for services as Porter of the Judiciary Committee, and that the Controller be directed to draw his warrant in favor of the said George Whitlock for the sum of one hundred and twenty dollars, and the Treasurer directed to pay the same.

Referred to the Committee on Rules and Employés, with instructions to report by three o'clock P. M. to-day.

By Mr. Russell:

WHEREAS, T. H. Wallis has, during the present session of the Legislature, taken care of and kept in order Room Number Sixty-three of the Capitol building, occupied by the Code Commissioners and the Committee on Ways and Means, and much used by other committees; therefore, be it

*Resolved*, That the sum of one hundred dollars be and the same is hereby appropriated out of the Contingent Fund of the Assembly to the payment of said T. H. Wallis for said services.

Referred to the Committee on Rules and Employés.

#### GENERAL FILE.

Assembly Bill No. 771—An Act to locate the county seat of Solano County.

On the passage of the bill, the ayes and noes were demanded by Messrs. Cowdery, Burt, and Heald, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Barton, Bowers, Bryan, Byrnes, Canfield, Carter, Clark, Coggins, Davis, Dixon, Fahey, Franck, Freidenreich, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Grinnett, Hay, Higbie, Hill, Howe, Ingham, Kercheval, Klotz, Long,

McBride, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Parker, Patterson, Peek, Pelham, Pishon, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Swift, Tinnin, Tully, Venable, Welch, and Williams—52.

NOES—Messrs. Bradley, Burt, Byers, Cowdery, Cressler, Gray, Hamill, Heald, Hurlburt, McCallum, Norton, Rea, Roush, Thomas, and Wickware—15.

The bill was ordered transmitted to the Senate without engrossment.

Assembly Bill No. 454—An Act to discourage drunkenness, and diminish crime and pauperism.

Amended, and ordered engrossed, and, on a motion to suspend the rules and place the bill on its passage, the ayes and noes were demanded by Messrs. Tinnin, Barton, and Murphy, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Amerman, Barton, Bryan, Burt, Byers, Canfield, Chandler, Cowdery, Cressler, Davis, Ferguson, Giffen, Gilmore or Calaveras, Gray, Hammitt, Hay, Heald, Higbie, Howe, Hurlburt, Kercheval, Klotz, Long, McBride, Meyers, Northcutt, Norton, Parker, Patterson, Pelham, Rea, Rogers, Russell, Simpson, Terrill, Thomas, Tully, Vandall, Welch, and Williams—40.

NOES—Messrs. Bradley, Byrnes, Carter, Coggins, Dixon, Fahey, Franck, Freeman, Freidenrich, Gilmore of El Dorado, Gurnett, Hamill, Hill, McCallum, Miller, Murphy, Northup, Peek, Pishon, Roush, Simpers, Snyder, Stowers, Swift, Tinnin, Venable, and Wickware—28.

At twelve o'clock M., the House took a recess until one o'clock P. M.

#### REASSEMBLED.

House reassembled at one o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORTS.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 380—An Act to authorize certain persons to improve a portion of the Mokelumne River, and erect a boom thereon.

BRADLEY, Chairman.

By Mr. Williams:

MR. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 66—An Act to repeal section six hundred and eighty-four of the Political Code of the State of California—report it back, and recommend that it do not pass.

Also, Senate Bill No. 52—An Act to amend section four hundred and nineteen, and to add certain new sections to the Civil Code—report it back, and recommend its passage.

Also, Senate Bill No. 393—An Act for the better protection of the stockholders in corporations formed under the laws of the State of Cal-

ifornia for the purpose of carrying on and conducting the business of mining—report it back, and recommend its passage.

Also, Senate Bill No. 268—An Act to repeal an Act entitled an Act concerning actions for libel and slander, approved March twenty-third, eighteen hundred and seventy-two—report it back without recommendation.

WILLIAMS, Chairman.

Senate Bill No. 52, above reported, read a third time, and passed.

Senate Bill No. 66, above reported, passage refused.

Senate Bill No. 268, above reported, ordered to the head of the File for Thursday next.

Senate Bill No. 393, above reported, read a third time, and passed.

By Mr. Kercheval:

Mr. SPEAKER: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 328—An Act in relation to the formation of a new swamp land district, beg leave to report that they have considered the same, and report it back, with a unanimous recommendation that it pass.

KERCHEVAL, Chairman.

Senate Bill No. 238, above reported, rules suspended, bill read a third time, and passed.

By Mr. Tinnin:

Mr. SPEAKER: The Committee on Claims have had under consideration Substitute for Senate Bill No. 144—An Act for the redemption of unused and uncanceled stamps heretofore sold by the State of California—report it back, without recommendation.

TINNIN, Chairman.

Senate Bill No. 144, above reported, House went into Committee of the Whole for consideration of the bill.

[Mr. Estee in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Murphy, the committee arose, reported the bill back, and recommended its indefinite postponement.

#### IN ASSEMBLY.

[Speaker in the chair.]

Senate Bill No. 144, above reported, was indefinitely postponed.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 246—An Act to regulate and govern the California State Prison,

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 547—An Act to authorize the City and County of San Francisco

to provide and maintain public waterworks for said city and county, and to condemn private property for that purpose.

Also, on this day, concurred in Assembly amendments to Senate Bills Nos. 162 and 307.

Also, Senate receded from its amendment to Assembly Bill No. 301—An Act to protect agriculture, and to prevent the trespassing of animals in the County of Tehama.

Also, refused to recede from its amendments to Assembly Bill No. 747—An Act amendatory of an Act entitled an Act to provide for the protection of certain lands in Sutter County from overflow.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 548—An Act to amend the Penal Code.

Also, passed Assembly Bill No. 771—An Act to locate the county seat of Solano County.

Also, passed, and ordered transmitted without engrossment, Senate Bill No. 549—An Act to regulate the fees of Justices of the Peace and Constables in the County of Sacramento.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 780—An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof.

Also, passed Assembly Bill No. 781—An Act to levy taxes for county purposes, in the County of El Dorado.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 547, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 548, above reported, read first and second times, and referred to the Judiciary Committee.

Senate Bill No. 549, above reported, read first and second times, and referred to the Sacramento delegation.

Assembly Bill No. 647, above reported, Messrs. Canfield, Chandler, and Meyers appointed Committee of Conference on disagreeing vote of the two Houses.

Assembly Bill No. 246, above reported, Senate amendments concurred in.

#### GENERAL FILE.

Assembly Bill No. 727—An Act providing for the employment of prison labor, and regulating contracts therefor.

Rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 640—An Act to amend the Political Code, concerning military affairs.

Withdrawn by the author.

Senate Bill No. 238—An Act to amend section fourteen hundred and ninety-three of the Code of Civil Procedure.

Read a third time, and passed.

Senate Bill No. 374—An Act relative to the publication of amendments to the Codes.

Read a third time, and passed.

Assembly Bill No. 590—An Act to amend sections three hundred and thirty-nine, three hundred and forty, three hundred and forty-one, and three hundred and forty-two of the Penal Code.

Indefinitely postponed.

Assembly Bill No. 707—An Act to amend section eight hundred and two of the Penal Code.

Indefinitely postponed.

Assembly Bill No. 747—An Act to amend section fifteen hundred and five of the Code of Civil Procedure.

Indefinitely postponed.

Assembly Bill No. 733—An Act to amend the Code of Civil Procedure.

Rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 384—An Act to amend section three thousand six hundred and forty-four of the Political Code.

Rules suspended, bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

Assembly Bill No. 262—An Act to provide for the better protection of stockholders in incorporated companies.

Laid on the table.

Assembly Bill No. 152—An Act to create the office of Bank Commissioner, and to prescribe his duties and powers.

Withdrawn by the author.

Senate Bill No. 493—An Act to regulate official salaries in the County of Solano.

Amended, read a third time, and passed.

#### RECONSIDERATION.

Pursuant to notice, Mr. Freeman moved to reconsider the vote by which the House, on yesterday, passed to engrossment Assembly Bill No. 713—An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds.

The motion to reconsider was lost.

#### GENERAL FILE RESUMED.

Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Substitute adopted, rules suspended, bill read a third time, and, on its passage, the ayes and noes were demanded by Messrs. Freidenrich, Cowdery, and Howe, and the House so ordered, by the following vote:

**AYES**—Messrs. Barton, Bowers, Byrnes, Canfield, Carter, Clark, Coggins, Davis, Dixon, Fahey, Franck, Ferguson, Gilmore of Calaveras, Hamill, Hay, Howe, Ingham, Klotz, McBride, McCallum, Morgan, Murphy, Northcutt, Northup, Patterson, Paulsell, Peek, Pelham, Rea, Simpers, Simpson, Snyder, Stowers, Summers, Terrill, Tinnin, Venable, Wickware, and Williams—39.

**NOES**—Messrs. Ables, Aldrich, Bryan, Burt, Cowdery, Cressler, Freeman, Freidenrich, Giffen, Gray, Hammitt, Heald, Higbie, Hill, Hurlburt, Kercheval, Meyers, Miller, Parker, Pishon, Rogers, Roush, Russell, Swift, Thomas, and Mr. Speaker—26.

#### REPORTS.

Reports were submitted as follows:

By Mr. Hay:

**MR. SPEAKER:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 748—An Act supplemental to an Act entitled an Act to provide for the construction of a wagon road from Healdsburg, in Mendocino Township, in Sonoma County, to Pine Flat, in said county, approved March eleventh, eighteen hundred and seventy four;

Also, Assembly Bill No. 646—An Act to amend an Act entitled an Act to amend certain sections and to add certain new sections to the Political Code, approved March thirteenth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 738—An Act granting leave of absence to the County Treasurer of Butte County;

Also, Assembly Bill No. 700—An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock;

Also, Assembly Bill No. 697—An Act to provide for the collection of certain unpaid taxes in the County of Modoc;

Also, Assembly Bill No. 718—An Act relative to roads and highways;

Also, Assembly Bill No. 694—An Act abolishing the City Hall Commission of the City and County of San Francisco, and to provide for the construction of the building;

Also, Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale;

Also, Assembly Bill No. 742—An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same;

Also, Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine, approved April fourth, eighteen hundred and seventy;

Also, Assembly Bill No. 716—An Act to confer additional powers on the Board of Supervisors of the County of San Joaquin;

Also, Assembly Bill No. 756—An Act to amend an Act entitled an Act to prescribe the duties and provide the salaries of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four;



Also, Assembly Bill No. 702—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda;

Also, Assembly Bill No. 754—An Act amendatory of and supplementary to an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same, approved March thirteenth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 749—An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama;

Also, Assembly Bill No. 705—An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof, to pay and cancel certain other bonds of said city;

Also, Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company of New York to invest moneys in real and personal estate within the limits of California,

Also, Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to the Code of Civil Procedure;

Also, Substitute for Assembly Bill No. 88—An Act to enumerate the inhabitants of the State of California;

Also, Assembly Bill No. 523—An Act to amend the provisions of the Political Code, relative to public schools;

Also, Assembly Bill No. 618—An Act to provide for the widening of Dupont street, in the City and County of San Francisco, and to take private lands therefor;

Also, Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer;

Also, Assembly Bill No. 578—An Act to authorize the Board of Supervisors of the City and County of San Francisco to lease school lots in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in the City and County of San Francisco;

And that the same were, this twenty-eighth day of March, eighteen hundred and seventy-four, at two o'clock P. M., transmitted to the Governor, for his approval.

HAY, Chairman.

The Enrolling Clerk was ordered to enroll Assembly Bill No. 771 out of its order.

Assembly Bill No. 643 was taken up and recommitted to the Judiciary Committee, with instructions, to insert certain amendments.

#### REPORT.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee, in accordance with instructions, report back Assembly Bill No. 643; Substitute for Assembly Bills Nos. 3, 29, 37, 39, 80, 127; and 232—proposed amendments to the Constitution of the State of California—with the amendments.

WILLIAMS, Chairman.

The amendments were adopted, bill read a third time, and on its pas-

sage the roll was called, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byrnes, Carter, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Fahey, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Gurnett, Hammitt, Heald, Higbie, Hill, Howe, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Parker, Patterson, Paulsell, Peek, Pelham, Pishon, Rea, Rogers, Russell, Simpers, Simpson, Stowers, Terrill, Tinnin, Venable, Welch, Wickware, Williams, and Mr. Speaker—63.

**NOES**—None.

#### REPORTS.

By Mr. Meyers:

**MR. SPEAKER:** The Committee on Rules and Employés, to whom was referred the report of the special committee appointed to inquire into the causes of the imperfect acoustics and ventilation of the Assembly Chamber, and the remedies therefor, also the resolution accompanying said report—beg leave to report that they have considered the subject, and recommend:

First—The passage of the resolution allowing the architects, Messrs. Wright and Sanders, two hundred and fifty dollars.

Second—On the subject matter of ventilation and acoustics, your committee beg leave to say only this: that if, by the expenditure of fifteen thousand dollars, good ventilation could be secured to our Assembly Chamber, and its acoustics so improved as to make it a fit place for a deliberative body to do business in, the money would be well and wisely expended.

MEYERS, for Committee.

By Mr. Thomas:

**MR. SPEAKER:** The special committee to whom was referred the report of Messrs. Wright and Sanders, architects, on the acoustics and ventilation of the Assembly Chamber—beg leave to submit the following report:

They have given the subject careful consideration; believe the plan to be feasible, and if adopted will be effective. And, as the session is rapidly drawing to a close, and the subject matter will require more time than can be devoted to it, we would therefore ask that the report be referred to the Board of State Capitol Commissioners, and that full power to act in the premises is hereby given them, if in their judgment it is expedient for them to do so.

THOMAS, for Committee.

Your committee would ask the passage of the following resolution:

*Resolved*, That the sum of two hundred and fifty dollars is hereby appropriated out of the Contingent Fund, to pay Messrs. Wright and Sanders for plans and diagrams of acoustics and ventilation of the Assembly Chamber, and that the Controller be and he is hereby authorized to draw his warrant on the Treasurer for the sum above named.

Adopted.

## REPORTS.

Reports were made as follows:

By Mr. Amerman:

MR. SPEAKER: Your Committee of Conference on Assembly Bill No. 45, have duly considered the same, and recommend that the Senate recede from its substitute, and also from its amendment to section five.

AMERMAN,  
McCALLUM,  
SWIFT,  
House Committee.

PENDEGAST,  
LINDSEY,  
S. J. FINNEY,  
Senate Committee.

The report of the committee was adopted.  
By Mr. Meyers:

MR. SPEAKER: The Committee on Rules and Employés, to whom was referred Assembly Resolution—instructing the State Printer to print and deliver to the Secretary of State nine hundred and sixty copies of the report of the Land Monopoly Committee and the Swamp Land Investigating Committee, together with the testimony taken by such committee, the same to be printed and bound as one volume;

Also, a resolution that, when the printing and binding shall be complete, the Secretary of State shall give notice, in some newspaper published in Sacramento, when he shall mail copies thereof to members of this Legislature and State officers, in such number as they may apply and prepay postage for;

Have had both resolutions under consideration, and beg leave to report the same back, without recommendation.

MEYERS, Chairman.

Following is the resolution:

*Resolved*, That the State Printer be and he is hereby instructed to print and deliver to the Secretary of State nine hundred and sixty copies of the reports of the Land Monopoly Committee and the Swamp Land Investigating Committee, together with the testimony taken by such committees, the same to be printed and bound as one volume.

*Resolved*, That when the printing and binding thereof shall be complete, the Secretary of State shall give notice, in some newspaper published in Sacramento, and thereafter he shall mail copies of the same to members of this Legislature and State officers, in such number as they may apply and prepay postage for.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Murphy, Terrill, and Burt, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Burt, Coggins, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gilmore of Calaveras,

Gilmore of El Dorado, Gurnett, Hamill, Hammitt, Hill, Howe, Long, McBride, McCallum, Miller, Murphy, Northcutt, Northup, Parker, Paterson, Pelham, Pishon, Simpers, Stowers, Terrill, and Tully—34.

NOES—Messrs. Ables, Aldrich, Bradley, Bryan, Canfield, Carter, Chandler, Clark, Cowdery, Cressler, Gray, Heald, Higbie, Kercheval, Klotz, Knox, Meyers, Paulsell, Rogers, Russell, Thomas, Venable, Welch, Williams, and Mr. Speaker—25.

#### GENERAL FILE.

Assembly Bill No. 675—An Act for the relief of the Sacramento Protestant Orphan Association.

The House went into Committee of the Whole for consideration of the bill.

[Mr. Estee in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Bowers, the committee arose, reported the bill back, and recommended its indefinite postponement.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 675, above reported, indefinitely postponed.

Assembly Bill No. 709—An Act to repeal section five hundred and thirty-six of the Political Code, and to repeal an Act in relation to the State Printer approved April first, eighteen hundred and seventy-two.

Indefinitely postponed.

Senate Bill No. 499—An Act to amend section six hundred and fifty-six of the Political Code.

Read a third time, and passed.

Senate Bill No. 453—An Act to amend section three thousand two hundred and ninety-two of the Political Code.

Read a third time, and passed.

Senate Bill No. 333—An Act to amend an Act entitled an Act to establish a Political Code.

Read a third time, and passed.

Assembly Bill No. 636—An Act to amend section seven hundred and fifty-three and two thousand three hundred and sixteen of the Political Code.

Engrossment refused.

Assembly Bill No. 657—An Act to amend the Political Code of this State.

Engrossment refused.

Senate Bill No. 424—An Act to repeal section three thousand seven hundred and four of the Political Code.

Read a third time, and passed.

Senate Bill No. 435—An Act to provide for the payment of certain Controller's warrants.

Amended, read a third time, and passed.

Senate Bill No. 426—An Act relating to the funds of Swamp Land District Number Eighteen.

Read a third time, and passed.

Senate Bill No. 537—An Act granting leave of absence to the County Surveyor of Butte County.

Read a third time, and passed.

Assembly Bill No. 768—An Act to pay the bill of P. Conlan for board and lodging furnished to two companies of the National Guard, on December sixth, eighteen hundred and seventy-one.

Assembly Bill No. 772—An Act authorizing the State Board of Examiners to allow certain claims against the State.

House went into Committee of the Whole for the consideration of the two bills.

The bills were considered in Committee of the Whole, when, on motion, the committee arose, reported the bills back, and recommended the indefinite postponement of Assembly Bill No. 768, and the passage of Assembly Bill No. 772.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 768, above reported, indefinitely postponed.

Assembly Bill No. 772, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

#### REPORTS.

Reports were made as follows:

By Mr. Coggins:

Mr. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 549—An Act to regulate fees of Justices of the Peace and Constables of the County of Sacramento—and report the same back, with the recommendation that it pass.

COGGINS, for Delegation.

Senate Bill No. 549, above reported, read a third time, and passed.

On motion of Mr. Williams, Assembly Bill No. 126 and Assembly Bill No. 205, were ordered enrolled out of their regular order.

By Mr. Giffen:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 771—An Act to locate the county seat of Solano County—and that the same was, this day, at two o'clock and thirty minutes P. M., delivered to the Governor, for his approval.

GIFFEN, for Committee.

By Mr. Swift:

Mr. SPEAKER: The San Francisco delegation, to whom was referred Senate Bill No. 547—An Act to authorize the City and County of San Francisco to provide and maintain public waterworks for said city and county, and to condemn and purchase private property for that purpose—have had the same under consideration, and report it back, and recommend its passage.

SWIFT, for Delegation.

Senate Bill No. 547, above reported, read a third time, and passed.

By Mr. Freeman:

Mr. SPEAKER: The Committee on Ways and Means have had under

consideration Assembly Bill No. 778—An Act making appropriation for the National Guard—report the same back, and recommend that it do not pass.

FREEMAN, Chairman.

Assembly Bill No. 778, above reported, passage refused.

By Mr. Gurnett:

Mr. SPEAKER: The Alameda delegation, to whom was referred Senate Bill No. 496—An Act to authorize the City of Oakland to obtain a supply of water—have examined the same, report it back with an amendment, and recommend its passage as amended.

GURNETT,  
AMERMAN.

Senate Bill No. 496, above reported, amended, rules suspended, read a third time, and passed.

By Mr. Russell:

Mr. SPEAKER: Having duly considered Assembly Bill No. 714—An Act to make an appropriation for fitting up the Governor's Mansion for the purpose of using portions thereof as a State Printing Office and State Armory—I beg leave to submit as my report, the accompanying substitute, and recommend its passage.

RUSSELL, Committee.

Assembly Bill No. 714, above reported, House went into Committee of the Whole for consideration of the bill.

The bill was considered in Committee of the Whole, when, on motion, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Assembly Bill No. 714, above reported, substitute adopted, rules suspended, bill considered engrossed, read a third time, and passed.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Governor having returned to the Senate, without his approval, Senate Bill No. 183—An Act to remove from Henry Meiggs certain legal disabilities—and a vote being taken, the bill received the constitutional majority to become a law, notwithstanding the Governor's objections, and it is now presented, with the message, for the action of your honorable body.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to adopt the following portions of the report of the Committee of Free Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State for the twenty-sixth and twenty-seventh fiscal years: That portion relating to the State Board of Examiners; that portion of the report allowing the Controller pay as a member of the Board of Equalization; that portion which allows a clerk to the Board of Equalization; that portion which allows traveling expenses of Board of Equalization; and concurred in that portion which makes allowance to members of the Board of Equalization appointed by the Governor; also, in that portion which makes allowance to the National Guard.

E. L. CRAWFORD,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 183, above reported, taken up for consideration, in connection with the message of the Governor vetoing the bill.

Mr. Ferguson moved a call of the House.

The roll was called, and all the members answered to their names except the following: Messrs. Byers, Escandon, Paulsell, and Hay, who were excused. Messrs. Meyers, Norton, and Heald were brought in and excused, when, on motion, further proceedings under the call were dispensed with.

The Clerk then read the veto message on Senate Bill No. 183, above reported, when the Speaker announced the question to be, "Shall the bill become a law, notwithstanding the objections of the Governor?"

The roll was called, with the following result:

AYES—Messrs. Amerman, Barton, Bowers, Bryan, Byrnes, Canfield, Carter, Coggins, Cressler, Davis, Dixon, Fahey, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hay, Heald, Higbie, Hill, Howe, Ingham, Kerecheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Morgan, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Peek, Pelham, Pishon, Russell, Simpers, Simpson, Snyder, Stowers, Summers, Tinnin, Tully, Vandall, Venable, Wickware, and Williams—52.

NOES—Messrs. Ables, Aldrich, Bradley, Burt, Chandler, Clark, Cowdery, Freeman, Freidenrich, Hamill, Hammitt, Hurlburt, Rea, Rogers, Roush, Swift, Terrill, Thomas, Welch, and Mr. Speaker—20.

#### REPORTS.

Reports were submitted as follows:

By Mr. Heald:

Mr. SPEAKER: I have examined Senate Bill No. 464, and report the same back, with an amendment, and recommend the passage of the bill as amended.

HEALD.

Senate Bill No. 464, above reported, amended, rules suspended, read a third time, and passed.

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 544—An Act to amend section five hundred and thirty-nine of the Code of Civil Procedure—report it back, with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 545—An Act to amend section five hundred and twenty-nine of the Code of Civil Procedure—report it back, with a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 457—An Act to amend an Act entitled an Act to amend sections three hundred and six and three hundred and seven of the Penal Code, approved March tenth, eighteen hundred and seventy-four—report it back, and recommend its passage.

WILLIAMS, Chairman.

Senate Bill No. 457, above reported, rules suspended, bill read a third time, and passed.

Senate Bill No. 545, above reported, substitute adopted, rules suspended, bill read a third time, and passed.

Senate Bill No. 544, above reported, substitute adopted, rules suspended, bill read a third time, and passed.

At four o'clock and forty-five minutes P. M., on motion of Mr. Parker, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### REPORT.

By Mr. Bradley:

Mr. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 713—An Act to pay the indebtedness incurred by the State Capitol Commissioners, and to provide for the preservation of the building and grounds.

BRADLEY, Chairman.

#### INTRODUCTION OF BILL.

By Mr. Meyers—An Act to submit to the qualified electors of the City of Stockton the proposition to pay the claim of Henry Meyers.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

On motion of Mr. Barton, Senate Bill No. 388—An Act to create a swamp land reclamation district, to be known as Lake District Number One, of Sacramento County—was taken up, and on its passage the ayes and noes were demanded by Messrs. Kercheval, Klotz, and Barton, and the House refused, by the following vote:



**AYES**—Messrs. Ables, Amerman, Barton, Clark, Hurlburt, Kercheval, Long, Murphy, Northcutt, Parker, Simpson, Snyder, Tinnin, Vandall, Welch, and Wickware—16.

**NOES**—Messrs. Bryan, Burt, Byrnes, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gray, Hammitt, Heald, Hill, Howe, Klotz, McCallum, Meyers, Northup, Norton, Patterson, Peek, Pelham, Pishon, Rogers, Roush, Russell, Stowers, Summers, Terrill, Thomas, Tully, Venable, Williams, Winchell, and Mr. Speaker—43.

#### REPORTS.

By Mr. Meyers:

**MR. SPEAKER:** The San Joaquin delegation, to whom was referred Senate Bill No. 526—An Act to authorize the Board of Supervisors of San Joaquin County to audit a certain claim—have had the same under consideration, and ask leave to report it back, and recommend its passage.

MEYERS, for Delegation.

Senate Bill No. 526, above reported, rules suspended, bill read a third time, and passed.

By Mr. Peek:

**MR. SPEAKER:** The Calaveras delegation, to whom was referred Senate Bill No. 542—report the same back, with an amendment, and recommend its passage.

PEEK,  
GILMORE.

Majority of Delegation.

Senate Bill No. 542, above reported, taken up, amended, read a third time, and on its passage, the ayes and noes were demanded by Messrs. Peek, Gilmore of Calaveras, and Welch, and the House refused, by the following vote:

**AYES**—Messrs. Bowers, Burt, Coggins, Gilmore of Calaveras, Gilmore of El Dorado, Hamill, Hammitt, Hay, Northcutt, Parker, Peek, Roush, Snyder, Swift, Terrill, Tully, and Wickware—17.

**NOES**—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Chandler, Cowdery, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Gray, Heald, Hill, Howe, Hurlburt, Kercheval, Klotz, Long, McBride, McCallum, Meyers, Miller, Murphy, Northup, Norton, Patterson, Pishon, Rea, Rogers, Russell, Simpser, Simpson, Stowers, Tinnin, Vandall, Venable, Welch, Williams, and Mr. Speaker—44.

#### INTRODUCTION OF BILL.

By Mr. Terrill—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 28th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code and to repeal certain other sections.

Also, amended and passed Assembly Bill No. 785—An Act to amend sections three thousand seven hundred, three thousand seven hundred and one, and three thousand seven hundred and two of the Political Code.

Also, passed Assembly Bill No. 782—An Act to amend an Act entitled an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four.

Also, amended and passed Assembly Bill No. 770—An Act making appropriations for benevolent purposes and to provide for certain deficiencies.

Also, passed and ordered transmitted without engrossment, Senate Bill No. 552—An Act to repeal an Act entitled an Act supplementary to and amendatory of an Act entitled an Act to reincorporate the City of Petaluma.

IRA H. REED,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 770, above reported, House refused to concur in Senate amendments.

Assembly Bill No. 785, above reported, House refused to concur in Senate amendments.

Senate Bill No. 552, above reported, read first and second times, rules suspended, bill read a third time, and passed.

Substitute for Assembly Bills Nos. 1 and 26, above reported, House concurred in certain Senate amendments, and refused to concur in certain other amendments.

## RESOLUTIONS.

By Mr. Klotz:

*Resolved*, That C. H. King, the Clerk of the Engrossing Committee of this House, be required to report to this House what he has done with Assembly Bill No. 758—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California.

*Adopted*.

Assembly Bill No. 758, above referred to, was ordered to the head of the File for Monday.

By Mr. Rogers:

*Resolved*, That the Senate be requested to return to this House Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county—said bill having been erroneously transmitted to the Senate.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Amerman—An Act supplemental to an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court, and its officers, approved March tenth, eighteen hundred and sixty-six.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

By Mr. Coggins—An Act to provide for the collection of delinquent reclamation assessments in Sacramento County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### REPORTS.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment beg leave to report that they have examined and find correctly engrossed Assembly Bill No. 454—An Act to discourage drunkenness, and diminish crime and pauperism.

BRADLEY, Chairman.

By Mr. Kercheval:

MR. SPEAKER: The Sacramento delegation have had under consideration Assembly Bill No. 660, and report the same back, with the recommendation that it pass.

KERCHEVAL, for Delegation.

Assembly Bill No. 660, above reported, rules suspended, bill considered engrossed, read a third time, and passed.

By Mr. Williams:

MR. SPEAKER: The El Dorado delegation have considered Senate Bill No. 422—An Act to organize the Board of Supervisors and to define their duties, in the County of El Dorado—report it back, and recommend its passage.

WILLIAMS, for Delegation.

Senate Bill No. 422, above reported, rules suspended, bill read a third time, and passed.

By Mr. Amerman:

MR. SPEAKER: The joint committee of the Senate and Assembly, ap-

pointed to examine into the management of the "University of California," including the administration of the trusts confided to the Regents thereof, and to report to the Legislature in the premises, respectfully submit the following report:

The resolution in pursuance of which the joint committee was appointed, was adopted by both branches of the Legislature on the seventh day of February, eighteen hundred and seventy-four; on the ninth day of said month the committee was appointed; the work of the session had by this time become onerous, and the members of the committee were much pressed with their regular duties, and could not, in justice to the State at large, as well as their own immediate constituents, devote as much time to this special work as its importance demanded; this the committee much regretted, but could not avoid. They have given the matter such attention as their time would allow.

The committee met at Berkeley, on the twenty-third of February, eighteen hundred and seventy-four, and organized; it was then determined to submit to the Regents of the University the points upon which we were directed to report, and require them, at an early day, to furnish us with verified responses to the several points of inquiry, in order that we might have before us information sufficient to enable us to form a basis of future action—which points of inquiry were as follows, viz:

First—What instruction has been given in Agriculture and the Mechanic Arts in the University of California; whether the same has been defective or not, and if defective, wherein such defects consist, and what is the cause, as well as the remedy of such defects?

Second—What has been the management, by the Regents of the University of California, of the one hundred and fifty thousand acres of agricultural lands donated by Congress to the State of California, and by the State to the University; whether the same has been defective or not, and, if defective, wherein such defect has existed, and what is the cause, as well as the remedy of such defect?

Third—Whether or not the Regents of the University have properly administered the funds of the University which have been intrusted to them; and if not, in what particular?

Fourth—Also, upon any other matters relating to the University, upon which, in the opinion of the committee, further information may be of use to the Legislature or the public?

On the ninth day of March, eighteen hundred and seventy-four, the committee met at the Capitol, at which time and place the Regents and Faculty presented their responses, above referred to, in a printed pamphlet, which accompanies this report. The committee, at the same time, heard all parties present who desired to be heard in the premises, including Mr. Baxter, who appeared on behalf of the State Grange of the Patrons of Husbandry.

The committee also issued subpoenas for such witnesses as they were advised it would be profitable to call before them, and on the twelfth of March, again met to examine such witnesses; at which sitting the committee examined Mr. Swinton, an ex-professor of the University, whose testimony tended to show two things:

First—That the management had been judicious, and had accomplished much good—as much as was reasonably possible under the circumstances.

Second—That he was dissatisfied with the theory of having a Presi-

dent of the University, and did not have the highest appreciation of the gentleman now filling that office.

This witness desired to file a paper to fully present his views on the subject, and permission was granted by the committee, whereupon he filed the paper herewith presented, in which he has manifested, in the judgment of the committee, an improper spirit. This written statement, also, in our judgment, is not consistent with the sworn statement made before them, as an inspection will show. The students of the University, on hearing of the course pursued by Mr. Swinton, adopted and forwarded to the committee certain resolutions, expressive of their feelings in the premises, which are herewith presented with the other documents, and marked "Exhibit A."

Professor Carr, who occupies the Chair of Agriculture in the University, was also examined by the committee, and gave a very clear statement touching the difficulties which have been encountered by the Regents and Faculty in the management of the institution. From his statement, the committee were led to the conclusion that all had been done in the advancement of agricultural matters that could have been reasonably performed with the means at hand, taking into consideration the youth of the institution, and the fact that the lands belonging to the same have been but recently surveyed and laid out.

The Patrons of Husbandry, who seem to have taken a lively interest in the University, furnished the committee with questions to be propounded to the Faculty, which are also herewith presented, marked "Exhibit B." These questions were forwarded to the Dean of the Faculty, and his reply, with documents accompanying it, are herewith presented, marked "Exhibit C" and "Exhibit D."

This completed our labors relating to the ascertainment of facts, as our time would not permit us to proceed farther

The conclusion at which your committee has arrived is, generally, that the Regents and Faculty of the University have done as well as any reasonable citizen could expect. Our State is young, and the University is in its very infancy. We could not, therefore, reasonably expect, at this date, any great results. We do not gather ripe and luscious fruit from very young trees—they must have time to grow; so with our institutions of learning. There seems to be a few objections made by some to the plan of having a President of the institution. This, in the opinion of your committee, is mere idle theory, for, in the nature of things, there must be a head to the Faculty, and the name by which it is known is of no consequence; but it is claimed by some that this head should be elected by and from the Faculty. This, we think, would be productive of great evil—breeding contests for the place that would be ruinous to the Faculty. One ground of complaint has grown out of a misapprehension of the intent of the grant made by Congress. It seems that many persons supposed that the grant was intended solely for the foundation of a school devoted to agriculture and the mechanic arts, and that labor in these two branches was to be the main feature. This is a great mistake, as the plain language of the grant clearly demonstrates; it says that "the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts." This is being done in good faith, and the Regents are showing a laudable zeal and ambition in the work. We desire to give our most hearty approval of the management of the land grant.

The Regents, in our judgment, have made the most of it; and their administration of it has been about the best possible.

In conclusion, the committee, in its best judgment, are of the opinion that the Regents and Faculty have done well, considering their means and surroundings; that they deserve the sympathy and support of the people at large in the management of the University; that the objections and criticisms made sprang from three sources:

First—There has been a want of a clear understanding, both as to the grant and the management of the University;

Second—There has been some jealousy and bad feeling with some persons connected with the University;

Third—Some persons, seeking to curry favor with the people, and for the sake of political notoriety, have pretended to be the friends of the people, as against the University management—not that such persons knew or cared about the University or its success; to which may be added the general spirit of rush, hurry, and impatience of our people in all matters—a people not ready or willing to wait very long for good results in anything, but are more inclined to jump to the conclusion that everything is a failure that does not, to use a California expression, “pan out” good results at once.

All of which is respectfully submitted.

AMERMAN,  
TINNIN,  
MEYERS,  
FREIDENRICH,  
CANFIELD,  
House Committee.

LAINE,  
EVANS,  
T. J. KEYS,  
Senate Committee.

The report was ordered printed.

At nine o'clock and ten minutes P. M., on motion of Mr. Murphy, the House adjourned.

J. A. BRUMSEY,  
Assistant Clerk.

M. M. ESTEE,  
Speaker.

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## IN ASSEMBLY.

HOUSE OF ASSEMBLY, }  
Monday, March 30th, 1874. }

House met pursuant to adjournment.

Speaker in the chair.

Roll called, and a quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## APPOINTMENT OF COMMITTEE.

Messrs. Ingham, Amerman, and Dixon were appointed on the part of

the Assembly a Committee of Conference on the disagreeing vote of the two Houses, on Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies.

#### REPORTS.

Reports were submitted as follows:

By Mr. Tinnin:

MR. SPEAKER: The Committee on Claims, in accordance with instructions from the House, make this as their final report:

We have examined and reported back all bills intrusted or referred to us. All claims for services rendered the State, by request of this committee, have been allowed and paid, and we have no further reports to make, of any nature whatever.

TINNIN, Chairman.

By Mr. Bradley:

MR. SPEAKER: The Committee on Engrossment report that they have examined and find correctly engrossed Assembly Bill No. 758—An Act to continue and complete the investigation into the alleged frauds in the various land departments of the State of California, and of the United States, within the State of California.

BRADLEY, Chairman.

Assembly Bill No. 758, above reported, taken up, read a third time, and passed.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 763—An Act granting further powers to the Board of Supervisors of San Francisco;

Also, Assembly Bill No. 666—An Act concerning the county records of the County of Marin;

Also, Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code;

Also, Assembly Bill No. 340—An Act to provide funds for the City of Oakland;

Also, Assembly Bill No. 750—An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office;

Also, Assembly Bill No. 753—An Act in relation to certain streets in the Town of Alameda;

Also, Assembly Bill No. 762—An Act relating to the School Fund of Lee School District, in Sacramento County;

Also, Assembly Bill No. 760—An Act to provide a new Great Register for the County of Sacramento;

Also, Assembly Bill No. 761—An Act relating to the office of District Attorney of Sacramento County;

Also, Assembly Bill No. 388—An Act to quiet title to certain lands in the Counties of Yolo and Colusa, in the State of California;

Also, Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property;

Also, Assembly Bill No. 746—An Act to authorize the Supervisors of Santa Clara County to exempt firemen from payment of poll taxes for county purposes;

Also, Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County;

Also, Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado;

Also, Assembly Bill No. 741—An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes;

Also, Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county;

Also, Assembly Bill No. 769—An Act supplemental to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four;

Also, Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes;

Also, Assembly Bill No. 589—An Act to amend section four thousand and twenty seven of the Political Code;

Also, Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors, and their mode of payment;

Also, Assembly Bill No. 724—An Act to authorize the Board of Supervisors of the County of San Joaquin to transfer certain Funds;

Also, Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County;

Also, Assembly Bill No. 391—An Act to repeal an Act entitled an Act to amend an Act to regulate rodeos.

Also, Assembly Bill No. 665—An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin.

Also, Assembly Bill No. 620—An Act in relation to suits against the County of Marin for damages on account of laying out public roads;

Also, Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Sahnas City to build a school house;

Also, Assembly Bill No. 683—An Act for the relief of Joseph Legget, of the City and County of San Francisco,

Also, Assembly Bill No. 690—An Act amendatory of an Act to prevent hunting and shooting on private inclosed grounds;

Also, Assembly Bill No. 692—An Act to prevent the destruction of property from camp fires and firearms in the Counties of Monterey and San Benito;

Also, Assembly Bill No. 712—An Act to ratify and confirm Order Number Eleven Hundred and Thirty-nine of the Board of Supervisors of the City and County of San Francisco;

Also, Assembly Bill No. 736—An Act to change the name of the Town of New Republic to that of Santa Rita;

Also, Assembly Bill No. 735—An Act to amend an Act to protect agriculture, and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey;

Also, Assembly Bill No. 246—An Act to regulate and govern the California State Prison;



Also, Assembly Bill No. 592—An Act to legalize and confirm ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits;

Also, Assembly Bill No. 773—An Act to fix the amount of the bonds of the Tax Collector of Lake County, and to amend section forty-one hundred and twenty-two of the Political Code;

Also, Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amounts of old balances due the State;

Also, Assembly Bill No. 567—An Act to declare Moro Cojo Slough, in Monterey County, navigable;

Also, Assembly Bill No. 717—An Act amendatory of an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four;

Also, Substitute for Assembly Bill No. 281—An Act for the relief of John C. Burgess and Orrin Champlin;

Also, Assembly Bill No. 402—An Act to quiet title to certain lands;

Also, Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant, drawn by the Auditor of the County of Yolo, against the Swamp Land District Fund of District Number Eighteen;

Also, Assembly Bill No. 780—An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof;

Also, Assembly Bill No. 781—An Act to levy taxes for county purposes in the County of El Dorado;

Also, Assembly Bill No. 782—An Act to amend an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four;

And have, on this twenty eighth day of March, at ten o'clock and fifteen minutes A. M., delivered the same to the Governor, for his approval.

HAY, Chairman.

The Speaker called the roll of committees, for reports as to unpaid expenses, with the following result:

Committee on Elections, all paid.

Committee on Corporations, all paid.

Committee on Printing, all paid.

Committee on Claims, all paid.

Committee on Ways and Means, all paid.

Committee on Judiciary, all paid.

Committee on Counties and County Boundaries, all paid.

Committee on Commerce and Navigation, all paid.

Committee on Agriculture, all paid.

Committee on Internal Improvements, all paid.

Committee on Public Buildings and Grounds, all paid.

Committee on Public Expenditures and Accounts, all paid.

Committee on Mines and Mining Interests, all paid.

Committee on Public Lands, all paid.

Committee on Federal Relations, all paid.

Committee on Engrossment, all paid.

Committee on Enrollment, all paid.

Committee on State Prison, all paid.

Committee on Mileage, all paid.

Committee on Public Morals, all paid.

Committee on Rules and Employés, all paid.

Committee on Rules and Regulations, all paid.

Committee on Swamp and Overflowed Lands, all paid.

Committee on Grapevine, all paid.

Committee on State Library, all paid.

Committee on Agriculture, all paid.

Committee on Mining and Mechanic Arts, all paid.

Committee on Indian Affairs, all paid.

Special Committee on Political Code, all paid.

Committee on Diseased Hogs, all paid.

Committee on Swamp Land Investigation, all paid.

Committee on Central Pacific Railroad Investigation, all paid.

From the Committee on State Hospitals, Mr. Hamill reported the following resolution:

*Resolved*, That the Controller is hereby directed to draw a warrant for sixty dollars, payable out of the Contingent Fund of the Assembly, in favor of Owen Thorn, Clerk of the Hospital Committee, and the Treasurer is authorized to pay the same.

J. HAMILL,  
H. B. DAVIS,  
J. PATTERSON,  
GEO. W. SIMPERS.

Referred to the Committee on Rules and Employés.

#### RESOLUTION.

By Mr. Meyers:

*Resolved by the Assembly*, That Jno. S. Wilkins, Rear Porter, be discharged from further service, and that the Sergeant-at-Arms be authorized and required to remove said Jno. S. Wilkins from the Capitol grounds; this order to have effect and force from its passage to the end of the session.

Adopted.

#### REPORT.

By Mr. Freeman:

MR. SPEAKER: The Committee of Free Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years—after a due consideration of the question of the disagreeing vote of the two Houses on the report of said committee, heretofore made, now respectfully recommend:

First—That the Assembly concur in the Senate amendment striking out the appropriation for the salaries of the State Board of Examiners.

Second—That the Assembly concur in the Senate amendment striking out the appropriation for the State Board of Equalization, and traveling expenses, except as to the salaries of the two members of the Board

appointed by the Governor, and the clerk, and that an appropriation of nine thousand six hundred dollars be made for said two members' salaries, and three thousand six hundred dollars for the clerk.

GEORGE S. EVANS,  
W. J. GRAVES,  
W. W. PENDEGAST.  
Senate Committee.

D. FREIDENRICH,  
F. S. FREEMAN,  
JAMES E. MURPHY,  
Assembly Committee.

Report adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on the twenty-eighth day of March, A. D. eighteen hundred and seventy-four, passed Senate Bill No. 536—An Act for the relief of purchasers of City Hall lots in the City and County of San Francisco.

Also, passed Assembly Bill No. 725—An Act supplemental to an Act to provide for the redemption of the bonded indebtedness of Calaveras County, approved March thirtieth, eighteen hundred and seventy-two.

Also, passed Assembly Bill No. 430—An Act to amend section thirty-six hundred and seventeen of the Political Code.

Also, amended and passed Assembly Bill No. 752—An Act to provide for the further construction of the City Hall in the City and County of San Francisco.

Also, amended and passed Assembly Bill No. 613—An Act amending certain sections of the Political Code relative to the assessment of property for taxation.

Also, passed Assembly Bill No. 777—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a Messenger to the Board of Fire Commissioners of said city and county.

Also, concurred in Assembly amendments to Senate Bills Nos. 544, 496, 464, 545, and 435.

Also, refused to recede from its amendments to Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies—and have appointed Senators Evans, Irwin, and Graves as a Committee of Free Conference.

Also, that the Senate have appointed as a Committee of Conference, Senators Lindsey, Neff, and Boggs, on Assembly Bill No. 647—An Act amendatory of an Act to provide for the protection of certain lands in Sutter County from overflow, approved March twenty-fifth, eighteen hundred and sixty-eight.

Also passed Assembly Bill No. 643—proposed amendments to the Constitution of the State of California.

Also, passed Assembly Bill No. 787—An Act to submit to the qualified electors of the City of Stockton the proposition to pay the claim of Henry Meyers.

Also, amended and passed Assembly Bill No. 507—An Act to amend certain sections of the Political Code in relation to the collection of poll taxes.

Also, indefinitely postponed Assembly Bill No. 199—An Act in relation to the swamp and overflowed lands of this State.

Also, passed Senate Bill No. 554—An Act to confer further powers upon the Board of Supervisors of Alameda County.

Also, passed Senate Bill No. 551—An Act to amend section five hundred and ninety-six of the Political Code.

Also, passed Assembly Bill No. 790—An Act to provide for the collection of delinquent reclamation assessments in Sacramento County.

Also, adopted Assembly Concurrent Resolution No. 59—to suspend Joint Rule Number Fifteen.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Senate Bill No. 536, above reported, read first and second times and referred to the San Francisco delegation, with instructions to report at one o'clock p. m.

Senate Bill No. 551, above reported, rules suspended, bill read a third time, and passed.

Senate Bill No. 554, above reported, read first and second times, and referred to the Alameda delegation.

Assembly Bill No. 507, above reported, Senate amendments concurred in.

Assembly Bill No. 613, above reported, Senate amendments concurred in.

Assembly Bill No. 752, above reported, Senate amendments concurred in.

#### PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

*The Legislature of the State of California, at its twentieth session, proposes the following amendments to the Constitution of said State:*

Amend Article I of said Constitution to read as follows:

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law. In civil cases, if three fourths agree upon a verdict, it shall be taken as the verdict of the jury.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State, and no person shall be rendered incompetent to be a wit-

ness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

SEC. 8. No person, without his written consent, shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment or indictment of a Grand Jury; and, in any trial in any Court whatever, the party accused shall be allowed to appear and defend, in person and with counsel, as in civil actions. The Legislature may fix, at not less than twelve, the number of Grand Jurors to form a panel, or to find an indictment. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken or damaged for public use, without just compensation first made. The presentment or indictment mentioned in this section may be amended by the Court in matter of form in such manner as the Legislature may by statute provide.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation upon the same class of subjects.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of peace.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

SEC. 15. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall be passed.

SEC. 16. Foreigners who are or who may hereafter become bona fide

residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens.

SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but for probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Amend Article II of said Constitution to read as follows:

#### ARTICLE SECOND—RIGHT OF SUFFRAGE AND ELECTIONS.

SECTION 1. Every male citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections:

1. He shall have been a citizen of the United States at least one month.

2. He shall have resided in the State six months immediately preceding the election.

3. He shall have resided in the election precinct where he shall offer to vote, one month immediately preceding the election.

SEC. 2. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas, nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison; nor shall any person in the military, naval, or marine service of the United States, by reason of being stationed in any military or naval station within the State, be considered a resident of this State.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 5. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

SEC. 6. The general election shall be held on the Tuesday next following the first Monday in November, A. D. one thousand eight hundred and seventy-seven, and every two years thereafter, unless the Legislature by statute fix a different time.

SEC. 7. All elections by the people shall be by ballot. All elections by persons in a representative capacity, shall be viva voce.

SEC. 8. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 9. Any person who shall give, or promise, or offer to give, to any elector, any money, reward, or other valuable consideration, for

his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote, or for the withholding thereof, and any elector who shall receive, or agree to receive, for himself or for another, any money, reward, or other valuable consideration, for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election; and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue, before his vote shall be received.

SEC. 10. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or willful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this State; and any person convicted of willful violation of the election laws, shall, in addition to any penalty provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 11. In trials of contested elections, and proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon any ground; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

Amend Article IV of said Constitution to read as follows:

#### ARTICLE IV.—LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California.

SEC. 2. The enacting clause of every statute shall be: "The People of the State of California, represented in Senate and Assembly, do enact as follows."

SEC. 3. The sessions of the Legislature shall be biennial, and shall commence on the Tuesday next after the first Monday of January, in the year following the election of its members. No session shall continue longer than one hundred and twenty days.

SEC. 4. Members of the Assembly shall be chosen biennially, at the general election in the year eighteen hundred and seventy-seven, and every two years thereafter, by the qualified electors of their respective Assembly districts; and their terms of office shall be two years from the day of their election.

SEC. 5. Senators shall be chosen at the same time and place as members of the Assembly, by the qualified electors of their respective Senatorial districts. The term of Senators shall be four years from the day of their election.

SEC. 6. Senators and members of the Assembly shall be electors in the districts which each shall represent respectively, and each shall be a resident of his district for one year next before the election at which he shall be chosen.

SEC. 7. The number of members of the Senate shall be forty, and of the Assembly, eighty. After the population of the State exceeds one million, the Legislature may, by statute, increase the number of members of the Assembly to not exceeding one hundred and twenty. When

the number shall be increased, the rule of apportionment herein prescribed shall not apply to the excess over eighty until each county in the State shall be allowed one member of the Assembly.

SEC. 8. The Legislature, at its session in the year eighteen hundred and eighty-two, must divide the State into Senatorial districts of compact contiguous territory, as nearly equal in population as may be. At the next general election thereafter, forty Senators shall be elected, one half of whom shall hold office for the term of four years, and the other half for the term of two years, to be determined by lot at the first session of the Legislature thereafter.

SEC. 9. At the same time, the Legislature must divide the State into eighty Assembly districts of compact contiguous territory, as nearly equal in population as may be.

SEC. 10. In forming a Congressional, Senatorial, or Assembly district, a county shall not be divided so as to attach one portion of a county to another county.

SEC. 11. The Senatorial and Assembly districts formed in eighteen hundred and eighty-two, must be changed, and the representation reapportioned by the Legislature in the year eighteen hundred and ninety-two, and every ten years thereafter; and if any Legislature upon which is devolved the duty of making such change and reapportionment, fails to perform it, the Governor of the State, within sixty days after the adjournment of such Legislature, must make such change and reapportionment, and declare it by proclamation.

SEC. 12. Every apportionment shall be based upon the number of votes cast at the Presidential election which occurred next before such apportionment.

SEC. 13. When vacancies occur in either House, the Governor shall issue a proclamation calling an election to fill the same, unless a general election will intervene between the vacancy and the next session of the Legislature.

SEC. 14. The members of both Houses shall, in all cases, except for treason, felony, violation of oath of office, or surety of the peace, be privileged from arrest during the session of the Legislature, and for fifteen days before and after; and no member of either House shall be punished criminally, or be made to pay damages for words spoken in debate or speech in such House.

SEC. 15. Members of the Legislature and its officers shall receive such salary, or per diem and mileage, for regular and special sessions, as shall be previously fixed by statute, and no other compensation whatever, whether for services on committee or otherwise, shall be allowed. No member of either House, or officer or employé of either House, shall, during the term for which he may have been elected or appointed, receive any increase of salary or mileage under any law or resolution passed during such term.

SEC. 16. The sessions of the Legislature shall be public, but either House may, by rule, exclude from the floor of such House persons other than its members.

SEC. 17. A majority of each House shall constitute a quorum to do business, a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as it may prescribe.

SEC. 18. The Senate and Assembly respectively shall choose its own officers, judge of the qualifications and election of its members, have



power to determine the rules of its proceedings, to punish for contempt disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, to punish its members and others for bribery or offers to bribe a member in the discharge of his duties as such, with the concurrence of two thirds to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption, shall not thereafter be eligible to an election as a member of either House, and punishment for bribery, contempt, or disorderly behavior, shall not bar an indictment for the same offense.

SEC. 19. The Legislature shall provide, by statute, for taking the testimony in contests for seats in either House; such statutes must prescribe that all testimony shall be taken before the time fixed for the regular meetings of the Legislature. All such contests must be finally determined within one week after the organization of the two Houses.

SEC. 20. The Legislature shall prescribe by law the number, duties, and compensation of the officers and employes of each House, and no payment shall be made from or authorized to be made out of the State Treasury for services connected with the sessions of the Legislature, unless such service be first authorized and the compensation fixed by statute.

SEC. 21. The Senate, at the beginning of the regular sessions, and at such other times as may be necessary, shall elect one of its members President pro tempore, who may preside over the Senate during the absence of the Lieutenant Governor.

SEC. 22. Each House shall keep a Journal of its proceedings, and publish the same. Three members may call for the yeas and nays on any question, and when so called, the vote of each member voting shall be recorded in the Journal.

SEC. 23. Any bill may originate in either House of the Legislature, and all bills passed by one House may be amended in the other.

SEC. 24. No bill shall be passed into a statute until it has been printed in the House where it originated, for the use of both Houses, and referred to and returned from a committee in each House, and read once at length in each House.

SEC. 25. No statute shall embrace more than one subject, and that shall be expressed in its title.

SEC. 26. No statute shall be amended by reference to its title; but, in such case, the statute or section amended shall be reenacted and published at length.

SEC. 27. Every bill which may pass the Legislature shall, before it becomes a statute, be presented to the Governor, and such further proceedings had thereon as provided in section fourteen of Article V of this Constitution.

SEC. 28. Lotteries and the sale of lottery policies or tickets within this State are unlawful. All lottery policies or tickets, or prizes drawn in lotteries within this State, are forfeited to the State, to be recovered by action brought in the name of the people of the State by the Attorney General.

SEC. 29. No person who shall have been, or shall be convicted for embezzlement of public funds or defalcation in any public office, shall be eligible to any civil office of trust or profit in this State; and the Legislature shall pass statutes providing for the punishment of such embezzlement and defalcation as a felony.

SEC. 30. The Legislature shall not pass any local or special statute

authorizing the creation, extension, or impairing of liens regulating the affairs of counties, cities, townships, road or school districts; changing the names of persons or places; changing the place of trial in civil or criminal cases; authorizing the laying out, opening, altering, or maintaining roads, highways, streets, alleys, or sewers; relating to ferries or bridges; vacating roads, town plats, streets, or alleys; relating to cemeteries or other public grounds; authorizing the adoption or legitimation of children; locating or changing county seats; incorporating towns or cities; for opening and conducting elections, or fixing and changing places of voting; granting divorces; confirming the deeds or certificates of acknowledgment of married women; confirming any void judicial proceeding, tax, or assessment, or any grant founded thereon; erecting new townships or other territorial divisions in a county; creating offices, or prescribing the powers and duties of officers in counties, cities, townships, or districts; changing the laws of succession or descent; regulating the practice or production of, or rules of evidence in any judicial proceeding or inquiry before Courts or other tribunals, or providing for or changing methods for the collection of debts or enforcing of judgments; regulating fees of office; affecting the estates of minors, or others under disabilities, except after notice to all parties in interest, which shall be recited in the special Act; remitting fines, penalties, or forfeitures, or refunding of moneys legally paid into the Treasury; regulating labor, trade, mining, or manufacturing; creating corporations, or amending, renewing, or extending their charters; granting to any corporation, association, or person, any special or exclusive privilege or immunity, or the right to make a railroad.

SEC. 31. No Act shall be passed giving extra or additional pay, or relief, or compensation to any public officer, servant, employé, or agent of, or contract under, this State, or any department thereof, or of or under any county or city in this State.

SEC. 32. No Act shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

SEC. 33. No Act of the Legislature shall limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property. In cases of death from injuries received by or through the carelessness, negligence, or willful misconduct of any person or corporation, the right of action shall survive, and the Legislature shall prescribe by and for whose benefits such shall be prosecuted. Until the Legislature shall so prescribe, such right of action shall survive to and may be prosecuted by the personal representatives of the deceased. No Act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons.

SEC. 34. No State office shall be continued or created for the inspection or measurement of any merchandise, or manufacture, or commodity; but the Legislature may, by general law, provide for such inspection and measurement by municipal or county officers.

SEC. 35. The Legislature shall pass no statute agreeing to pay, or providing for the payment from the State Treasury, or by any municipal corporation, of any bonds or other obligation of any person or corporation, or to provide for the payment of any interest on such bonds or obligation; and shall pass no statute loaning or authorizing the loan

of the credit of the State, of any municipal corporation, to any person or corporation.

SEC. 36. The Legislature shall never grant, or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or contract made, nor authorize the payment of any claim or part thereof hereafter created against the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements shall be null and void, provided this section shall not extend to and prevent appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 37. The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this State, or to any municipal corporation therein.

SEC. 38. The Legislature shall protect by statute, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 39. The Legislature shall by statute protect the wages of labor, provide for liens of mechanics and laborers, and for the exemption of a reasonable amount of property from execution and forced sale.

SEC. 40. Any statute concerning corporations may at any time be altered, amended, or repealed, and all corporations shall, if required by statute, conform to any such alteration or amendment, or be dissolved by such repeal.

SEC. 41. The Legislature shall not pass any statute under which any corporation for banking purposes shall be established; but associations and corporations may be formed under general laws for the deposit and loan of gold and silver; but no such association or corporation shall make, issue, or put in circulation, any bill, check, certificate, ticket, promissory note, or other paper, or the paper of any bank, to circulate as money; and the Legislature shall prohibit by law the creation of paper to circulate as money.

SEC. 42. The term "corporation," as used in this Constitution, shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to action in all Courts in like cases as natural persons.

SEC. 43. When the Legislature is convened in special session by proclamation of the Governor, there shall be no legislation on subjects not designated in such proclamation.

SEC. 44. The presiding officer of each House shall, in the presence of the House over which he presides, sign bills and joint resolutions passed by such House, immediately after the titles of such bills have been publicly read. The fact of signing shall be entered in the Journal.

SEC. 45. Neither House, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which they may be sitting. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 46. No money shall be drawn from or paid out of the Treasury of the State, except it be pursuant to and in accordance with a specific appropriation for a particular purpose made by statute, and then only on

warrants drawn by the proper officer; and no appropriation shall be made for more than two years.

SEC. 47. All general appropriation bills shall be sent to the Governor for his signature, at least ten days before the close of the session.

SEC. 48. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Superintendent of Public Instruction, the Justices of the Supreme Court, and District Judges, shall be liable to impeachment for misdemeanor in office. All other officers under this Constitution may be tried by jury, on indictment for misdemeanor in office, and if convicted, be removed from office and disqualified from holding any office of honor or profit.

SEC. 49. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. Each Senator, at the time the Senate shall resolve itself into a Court of Impeachment, shall swear (or affirm) that he will do impartial justice between the accuser and the accused, uninfluenced by party feeling. No person shall be convicted on such impeachment without the concurrence of two thirds of the Senators elected, and the judgment on conviction shall extend only to removal from office and disqualification to hold office thereafter. A majority of the Senators elected may affix the penalty, but such judgment on impeachment shall not be a bar to indictment for the same offense.

SEC. 50. No Senator or member of the Assembly shall be elected or appointed to any civil office of profit in this State during the term for which he shall have been elected, or for one year thereafter, which office shall have been created, or the emoluments of which shall have been increased during his term of office.

SEC. 51. Any member of the Legislature who shall solicit, demand, receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value, enjoyment, or of personal advantage, or promise thereof, or the influence of another to obtain for himself any office of honor or profit, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid for another as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be held guilty of bribery within the meaning of this Constitution and the Penal Code, and shall incur the penalties provided in such Code, and be subject to such further punishment as shall be provided by statute.

SEC. 52. Any person who shall, directly or indirectly, offer, give, or promise any money, thing of value, testimonial, privilege, or personal advantage to any officer, legislative, executive, or judicial, to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and punished as provided by statute.

SEC. 53. The offense of corrupting of members of the Legislature, or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such member or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 54. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony; and any person convicted of either of the offenses aforesaid, shall, as part of the punishment therefor, be disqualified from holding any office of honor or profit in this State.

SEC. 55. The Legislature shall not act upon any amendment proposed to the Constitution of the United States, until at least one general election intervene between the time such amendment is proposed and the time of action thereon.

Amend Article V of said Constitution to read as follows:

#### ARTICLE V—EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of this State shall consist of a Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, and Superintendent of Public Instruction, who shall each be independent of the other, and have and exercise the powers prescribed for him in this Constitution and by statutes.

SEC. 2. The Governor shall be elected by the qualified electors of the State, at the general election in the year eighteen hundred and seventy-nine, and every four years thereafter.

SEC. 3. No person shall be eligible to the office of Governor who is not over the age of twenty-five years, and who has not been a citizen of the United States, and a resident of the State, for four years next preceding his election.

SEC. 4. The Governor shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SEC. 5. The returns of every election for Governor shall be sealed up, indorsed "Election returns for Governor," and by the County Clerks of the different counties be transmitted to the Secretary of State, who shall safely keep the same unopened, and deliver them to the Speaker of the Assembly. The Speaker shall, in the presence of both Houses of the Legislature, on the day next after the organization of both Houses, open such returns and publish them. The person having the highest number of votes shall be Governor, but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both Houses, choose one of said persons for Governor.

SEC. 6. The Governor shall be Commander-in-Chief of the Army, actual Navy, and Militia of this State, except when they are called into service of the United States.

SEC. 7. The Governor, shall transact all executive business with the officers of the Federal Government, and with Governors of other States. He shall see that the laws are faithfully executed, and he may require information in writing from all other executive officers of this State upon any subject relating to the business of their respective offices.

SEC. 8. When any State executive office (other than Governor or Lieutenant Governor) shall become vacant, the Governor shall fill such

vacancy for the unexpired term by appointment; and if a vacancy occur in any judicial office in this State, other than Justice of the Peace, the Governor shall fill such vacancy by appointment, as prescribed in Article VI of this Constitution. In other cases the Legislature may provide, by statute, for filling vacancies in office, and if no such provision shall exist, and a vacancy occur, the Governor shall fill the same by appointment for the unexpired term. The Governor shall report to the Senate all appointments for State offices and all appointments to judicial offices, for its confirmation, at the earliest practicable time, and if the Senate shall refuse to confirm such appointment, a vacancy shall then occur, to be filled as provided in this section.

SEC. 9. The Governor may, on extraordinary occasions, convene the Legislature in special session, by proclamation, which proclamation shall designate the subject upon which legislation is desired.

SEC. 10. The Governor shall communicate by message to the Legislature at every session the condition of the State, and from time to time recommend to its consideration such measures as he may deem expedient.

SEC. 11. The Governor shall have power to remit fines and forfeitures imposed as a punishment for crimes, to grant reprieves, commutations of sentences, and pardons, except in cases of impeachment, and cases of disqualification from holding office, or enjoying the right of suffrage, declared by this Constitution as a punishment for crime. But no pardon shall be granted, or sentence commuted, except upon the recommendation, in writing, of the Lieutenant Governor, Secretary of State, and Attorney General, or a majority of them, after full hearing, upon due public notice of time and place; and such recommendations, and the reasons therefor, shall be filed in the office of the Secretary of State.

SEC. 12. There shall be a seal of this State kept in the office of the Secretary of State, to be used by him and the Governor to authenticate papers and documents issued by them, or either of them, to be called "The Great Seal of the State of California;" and all grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with said seal, signed by the Governor, and countersigned by the Secretary of State.

SEC. 13. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the power and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military forces of the State, not in the actual service of the United States.

SEC. 14. Every bill which shall have passed both Houses shall be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their Journal, and proceed to reconsider it. If, after such reconsideration, two thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House, by which likewise it shall be reconsidered, and if approved by two thirds of all the members elected to that House, it shall be a law; but in such cases the votes of both Houses shall be determined by ayes and noes, and the names of the members voting for and against

the bill shall be entered on the Journals of each House respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by their adjournment, by limitation, or otherwise, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State, and give notice thereof, by public proclamation, within thirty days after such adjournment.

SEC. 15. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 16. The Lieutenant Governor, Treasurer, and Attorney General, shall each have the same qualifications as the Governor, each shall be elected at the same time and places, and their terms of office shall be the same as that of the Governor.

SEC. 17. The Controller, Secretary of State, Surveyor General, and Superintendent of Public Instruction, shall each have the same qualifications as the Governor, and shall be elected at the general election in the year eighteen hundred and eighty-one, and every four years thereafter.

SEC. 18. Each of the officers mentioned in the preceding section shall hold his office during four years from the first Tuesday after the first Monday in January next ensuing after his election.

SEC. 19. The Lieutenant Governor shall be President of the Senate, but shall only have a vote therein when the Senate is equally divided, and he shall perform such other duties as may be prescribed by statute. In case of the death, conviction on impeachment, absence from the State, failure to qualify, resignation, or other disability of the Governor, the powers, duties, obligations, and emoluments of the office for the remainder of the term, or until the disability be removed, shall devolve on the Lieutenant Governor.

SEC. 20. In case of a vacancy in the office of Lieutenant Governor, by his death, assumption of the office of Governor, conviction on impeachment, or from any other cause, the powers, duties, and emoluments thereof for the remainder of the term, or until the disability be removed, shall devolve upon the President pro tempore of the Senate; and the President pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor while he is acting Lieutenant Governor, but his seat in the Senate shall become vacant whenever he shall become Governor.

SEC. 21. The Secretary of State shall keep a record of all official acts of the Governor, preserve the archives and papers pertaining to the office of Governor and the Legislature, and shall perform such other duties as may be prescribed by statute.

SEC. 22. The emoluments of all State officers shall be fixed prior to the election to such office, and such emoluments shall not be increased or diminished during such term, nor shall any additional pay be allowed for additional services required of such officer.

Amend Article VI of said Constitution to read as follows:

ARTICLE VI—JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, District Courts, Courts of Justices of the Peace, and in such municipal Courts as shall be established by statute for cities, or consolidated cities and counties.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The presence of four Justices shall be necessary for the transaction of business in Court, and the concurrence of four Justices shall be necessary to pronounce a judgment.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election next after the adoption of these amendments, and each shall take his seat on the first Tuesday after the first Monday in January next after his election. The full term of a Justice of the Supreme Court is fourteen years. At the meeting of such Justices on the said Tuesday next after the first Monday of January, they shall so classify themselves by lot that the term of one Justice shall expire every two years, and his successor shall be elected at the general election next preceding the expiration of such term.

SEC. 4. At the election for Justices of the Supreme Court, next after the adoption of these amendments, no elector shall vote for more than four persons for Justices of the Supreme Court.

SEC. 5. If a vacancy occur in the office of Justice of the Supreme Court from other causes than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the first Tuesday after the first Monday in January next ensuing until the expiration of the unexpired term.

SEC. 6. No Justice appointed or elected to fill an unexpired term shall be Chief Justice. The Justice not so appointed or elected having the shortest term to serve, shall be Chief Justice.

SEC. 7. The jurisdiction of the Supreme Court is of two kinds:

1. Original; and,
2. Appellate.

SEC. 8. The original jurisdiction of the Supreme Court extends to the issuance of writs of mandate, review, prohibition, and habeas corpus.

SEC. 9. The appellate jurisdiction of the Supreme Court extends:

1. To all civil cases and special proceedings arising in the District Courts.
2. To all criminal actions amounting to felony.
3. To the issuance of all writs necessary to the exercise of its appellate jurisdiction; and,
4. To such other cases and proceedings as the Legislature may by general statute prescribe.

SEC. 10. Each county is a Judicial District. District Judges shall be elected by the qualified electors of their respective districts, at the general election next after the adoption of these amendments, and shall hold their respective offices for the term of six years, and until their successors shall be elected and qualified.



SEC. 11. If a vacancy occur in the office of District Judge from causes other than the expiration of a full term, the Governor shall fill such vacancy by appointment, and the appointee shall hold until the election and qualification of his successor. At the next general election after such vacancy, it shall be filled by election, and the person so elected shall hold office from the Tuesday after the first Monday in January next ensuing, for the term of six years.

SEC. 12. Every county, containing less than twenty thousand inhabitants, shall elect one District Judge; counties containing more than twenty thousand inhabitants may elect such further number of District Judges as shall be prescribed by statute, not exceeding one for every twenty thousand inhabitants, and one for such fraction as shall exceed ten thousand.

SEC. 13. In districts where there shall be more than one District Judge, a presiding Judge shall be selected by lot, who shall distribute the labor to be performed by each.

SEC. 14. Each District Court shall be held by one District Judge; and when two or more Judges are elected for one county, Courts shall be held separate, but the judgments and orders of each shall be entered and enforced, as of the District Court of such county.

SEC. 15. The jurisdiction of District Courts is of two kinds:

1. Appellate; and,
2. Original.

SEC. 16. The appellate jurisdiction of the District Courts extend:

1. To all cases arising in Justices' Courts.
2. To such cases and proceedings arising in Municipal Courts as the Legislature may prescribe.

SEC. 17. The original jurisdiction of District Courts extend:

1. To all civil actions for relief formerly given in Courts of equity.
2. To all civil actions in which the subject of litigation is not capable of pecuniary estimation.
3. To all civil actions in which the subject of litigation is capable of pecuniary estimation, which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars.
4. To actions to prevent or abate a nuisance.
5. To actions of forcible entry and detainer.
6. To proceedings in insolvency.
7. To probate cases and proceedings.
8. To all other special proceedings.
9. To inquiring, by the intervention of a Grand Jury, of all public offenses committed or triable within the district.
10. To the trial of all indictments.

11. To such other cases and proceedings as the Legislature may prescribe.

SEC. 18. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and fix by law their powers, duties, and responsibilities; but such powers shall not, in any case, trench upon the jurisdiction of the several Courts of record. The Supreme Court, and District Courts, and such other Courts as the Legislature shall prescribe, shall be Courts of record.

SEC. 19. The jurisdiction of municipal Courts established by statute for cities, and consolidated cities and counties, shall extend only to the

trial of misdemeanors, and to the trial of cases arising under ordinances of such cities, or cities and counties.

SEC. 20. The Legislature shall provide for the election of a Clerk of the Supreme Court, of County Clerks, District Attorneys, Sheriffs, and other necessary officers, and shall fix by law their duties and compensations. County Clerks shall be *ex officio* Clerks of the Courts of record in and for their respective counties. The Legislature may also provide for the appointment, by the several Courts of record, of one or more Commissioners, with authority to perform Chamber business, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by statute.

SEC. 21. The time and place of holding the terms of the Supreme Court shall be provided for by statute. The District Courts shall always be open for the transaction of business.

SEC. 22. No judicial officer, except Justices of the Peace, and Commissioners, shall receive to his own use any fees or perquisites of office.

SEC. 23. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person.

SEC. 24. The Justices of the Supreme Court and District Judges, shall severally, at stated times during their continuance in office, receive for their services, out of the State Treasury, a compensation which shall not be increased or diminished after their election, or during the term for which they shall have been elected.

SEC. 25. The Justices of the Supreme Court and the District Judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected, and shall, before entering upon their offices, in addition to the oath of office, take and subscribe an oath that they will not, during such term, accept any Federal office.

SEC. 26. Judges shall not charge juries with respect to matters of fact, but they may state the testimony and declare the law.

SEC. 27. The style of all process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 28. The Supreme Court now in existence is continued until the first Monday in January, eighteen hundred and seventy-nine; but after the first Monday in January, eighteen hundred and seventy eight, its power shall only extend to the determination of such cases or proceedings pending therein as may have been submitted for decision prior to that time.

SEC. 29. The Justices of said Court in commission at the time these amendments take effect, may hold their offices as Justices thereof until the first Monday in January, eighteen hundred and seventy nine.

SEC. 30. If any Justice of said Court is elected a Justice of the Supreme Court created by this Article, his office as a Justice of the Supreme Court now in existence shall become vacant on the first Monday in January, eighteen hundred and seventy-eight, and the Governor shall, by appointment, fill the vacancy.

Article VIII is amended to read as follows:

#### ARTICLE VIII—TAXATION AND FINANCE.

SECTION 1. Taxation shall be equal and uniform upon the same class of subjects within the territorial limits of the authority levying the tax,

and taxes shall be levied and collected under general laws. All property subject to taxation shall be listed for that purpose at its cash value, to be ascertained as provided by statute. All things, and choses in action, subject to ownership, sale, devise, descent, distribution, or assignment, shall be deemed property, for purposes of taxation. Property owned by the United States, by this State, or by a municipal corporation under the laws of this State, shall be exempt from taxation.

SEC. 2. The present bonded debt of the State is valid, and the Legislature shall provide by statute for the payment thereof.

SEC. 3. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall singly, or in the aggregate, with all previous debts and liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, or for the purpose of carrying out a general system of irrigation, or to provide the means of payment, if it becomes necessary to condemn to the use of the State the railroads within its limits.

SEC. 4. The Governor, Controller, and Treasurer shall, jointly, during the first week after the organization of the Legislature, exhibit to the Assembly detailed estimates of the sums of money necessary to be raised and expended during the two years next after the first day of July of that year.

SEC. 5. The Controller shall determine, and publish, when the limit of the public debt, allowed by this Constitution, has been reached, and all other or further obligations of the State shall be void.

SEC. 6. Neither the credit of the State, nor of any municipal corporation authorized under the laws thereof, shall be pledged or loaned to any individual, company, corporation, or association, nor shall the State, or any municipal corporation, become a joint owner of or a stockholder in any company, association, or corporation; nor shall the State, or any municipal corporation, become bound to pay any bond, or interest on any bond, or other obligation, of any individual, association, or corporation; and no county, or other municipal corporation under the laws of this State, shall incur any obligation to raise money for the construction of any work not exclusively under the control of public officers.

SEC. 7. The Legislature must, by statute, provide for a State Board of Equalization, and fix its powers and duties.

Amend said Constitution by inserting therein a new Article, to be known as Article IX, and to read as follows:

#### ARTICLE IX—MUNICIPAL CORPORATIONS.

SECTION 1. Municipal corporations under the laws of this State are:

1. Counties;
2. Cities; and,
3. Consolidated cities and counties.

SEC. 2. The Legislature shall establish a system of county and city governments, which shall be as nearly uniform as practicable.

SEC. 3. The boundaries of counties shall be established by statute, and no statute shall be passed changing a county boundary, until it be shown to the Legislature that a notice was published in some newspaper of general circulation in the counties to be affected by such change, at least thirty days before the last general election, stating that application would be made to the Legislature for such change.

SEC. 4. The compensation of county officers shall be regulated by law. Salaries of county officers and pay allowed by law shall not be increased or diminished during the time for which they shall be elected.

SEC. 5. The Legislature shall provide by statute for a strict accountability of all county, township, and city officers for all public moneys coming into their hands.

SEC. 6. Township officers are Justices of the Peace and Constables, and each shall have such power and be subject to such duties and obligations as are prescribed in this Constitution or by statute.

SEC. 7. The Legislature shall provide by statute for such offices as may be necessary in administering the affairs of school districts, road districts, swamp land districts, or other division created by statute.

SEC. 8. Cities with charters already given, shall remain such under their present charters, subject to amendment, or shall become incorporate under general laws.

SEC. 9. No debt shall be incurred by any municipal corporation, except in pursuance of an order or ordinance, previously made therefor, by the municipal authorities, which order or ordinance shall provide for the payment thereof.

SEC. 10. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

SEC. 11. The Legislature may vest the corporate authorities of cities, or consolidated cities and counties, with power to make local improvements, by special assessment or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform, in respect to persons and property, within the jurisdiction of the body imposing the same.

Amend said Constitution by inserting therein a new Article, to be known as Article X, and to read as follows:

#### ARTICLE X—PRIVATE CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special Act. All general laws passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. Each stockholder shall be individually and personally liable for his proportion of all debts and liabilities of a corporation created or incurred while he remains such stockholder.

SEC. 3. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the Legislature from taking the property and franchises of corporations, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

SEC. 4. In all elections for Directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 5. No corporation shall engage in any business other than that expressly authorized in its charter; nor shall it take or hold any real

estate, except such as may be necessary and proper for its legitimate business.

SEC. 6. No corporation shall issue stock or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the two thirds in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 7. No railroad or telegraph company shall consolidate with or hold an interest in the stock or bonds of any other railroad or telegraph company, nor shall the same persons be officers in corporations owning competing lines of railroads or telegraphs.

SEC. 8. No railroad or telegraph company shall lease, or in any manner manage or control, the railroad or telegraph line of another company.

SEC. 9. All individuals, associations, and corporations shall have equal right to have persons and property transported over railroads; and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers within the State, or coming from or going to any other State. Persons and property transported over any railroad shall be delivered at any station, at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 10. The Legislature shall pass statutes to correct abuses, and prevent unjust discrimination and extortion in the rates of freights and fares on the railroads in the State, and provide for the enforcement of such statutes by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of property and franchises.

SEC. 11. Every railroad corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which books shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock, and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 12. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads in other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and shall receive and transport each other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination.

SEC. 13. No President, Director, officer, or employe of any railroad company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company.

SEC. 14. No railroad, railway, or other transportation company, shall grant free passes, or passes at a discount, to any public officers.

SEC. 15. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served.

Amend Article IX of the present Constitution, by making it Article XI, and to read as follows:

#### ARTICLE XI—EDUCATION.

SECTION 1. The Legislature shall provide for the maintenance of and support of a thorough and efficient system of public schools, wherein all the children within the State may be educated.

SEC. 2. All public moneys raised for school purposes, all moneys, lands, and other property, which have heretofore or shall hereafter come to the State for school purposes, and the proceeds, rents, issues, and profits of such lands and other property, shall be appropriated exclusively to the support of the common school system of this State.

SEC. 3. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent Fund, the interest on which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts, and sciences, as may be authorized by the terms of such grant. And the Legislature shall, as soon as may be, provide effectual means for the improvement and permanent security of the funds of said University.

#### ARTICLE XII.

Amend Article X of the present Constitution by making it Article XII, and amend section one thereof to read as follows:

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same are agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their Journals, with the ayes and noes taken thereon, and shall be published for three months before the next general election. In his proclamation calling such election, the Governor shall submit such proposed amendments to the qualified electors of the State for adoption or rejection, and if a majority of the votes cast shall be for the adoption of such amendment or amendments, it or they shall become part of this Constitution.

Amend said Constitution by inserting therein a new Article, to be known as Article XIII, and to read as follows:

#### ARTICLE XIII—MISCELLANEOUS PROVISIONS.

SECTION 1. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in

any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

SEC. 2. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of — according to the best of my ability."

And no other oath, declaration, or test, shall be required as a qualification for any office or public trust.

SEC. 3. All officers whose election or appointment is not provided for by this Constitution, and all officers whose office may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 4. No person shall be elected or appointed to, or hold any office created by this Constitution, who is not an elector and resident of this State. No person shall be elected or appointed to, or hold any district, county, or other local office created by this Constitution, unless he is an elector and resident of the district, county, or other political division for which he is elected or appointed. And every judicial officer must reside at the place where the sessions of the Court of which he is a member are held.

SEC. 5. When the duration of any office is not provided for by this Constitution, it may be declared by law, and if so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office fixed by this Constitution ever exceed four years.

SEC. 6. The fiscal year shall commence on the first day of July.

SEC. 7. Each county, city, and incorporated town, shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

SEC. 8. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

SEC. 9. The seat of government shall not be removed from Sacramento except by operation of a statute enacted for that purpose and ratified by a majority of the votes cast at the next general election after the passage of such statute.

SEC. 10. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 11. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 12. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 13. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 14. No person holding a lucrative office under the United States, or any other power, shall be eligible to any office of honor, trust, or profit in this State; but officers in the militia who receive no annual salary, and local officers and Postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed persons holding lucrative offices.

SEC. 15. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 16. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

Mr. Williams moved to recommit to the Judiciary Committee, with special instructions to insert the ten sections following at the end of Article XIII, and report immediately.

#### REPORT.

By Mr. Williams:

MR. SPEAKER: The Judiciary Committee beg leave to report that they have inserted the ten following sections, as per instructions from the House.

WILLIAMS, Chairman.

SEC. 17. If these amendments are approved and ratified by the people, the Legislature of which the members of the Assembly are elected at the general election in the year eighteen hundred and seventy-seven, shall meet on the first Monday in December, eighteen hundred and seventy-seven.

SEC. 18. The Legislature, at its first session, or as soon as may be, after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

SEC. 19. All persons in office in this State at the time of the adoption of these amendments, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SEC. 20. At the general election next after the adoption of these amendments, there shall be elected in the City and County of San Francisco seven Judges of the District Court of said city and county.

SEC. 21. The Legislature, at the first session after the adoption and ratification of these amendments, shall fix and determine the compensation of the Justices of the Supreme Court, and of the Judges of the several judicial districts of the State; and the provisions of section twenty-four, of Article VI, shall not be deemed inconsistent herewith.

SEC. 22. All existing Courts shall continue in existence until the first Tuesday after the first Monday in January, eighteen hundred and seventy-eight, without abridgement of their present jurisdiction and powers.



SEC. 23. All actions and proceedings pending in the District, County, and Probate Courts of the several counties in this State, and in the Municipal Criminal Court of San Francisco, on the first Tuesday after the first Monday in January, eighteen hundred and seventy-eight, shall be transferred to and tried and determined in the District Court of the county in which such actions or proceedings are pending.

SEC. 24. All actions or proceedings pending and undetermined in the Supreme Court now in existence, on the first Monday in January, eighteen hundred and seventy-nine, must be transferred for determination to the Supreme Court created by these amendments.

SEC. 25. All rights, prosecutions, claims, and contracts existing, and all laws in force at the time of the adoption of these amendments, and not inconsistent therewith, until altered or repealed by the Legislature, shall continue as if these amendments had not been adopted.

SEC. 26. In all laws which shall be in force on the Tuesday after the first Monday in January, eighteen hundred and seventy-eight, in which the words Probate Court, Probate Judge, County Court, County Judge, Municipal Criminal Court of San Francisco, and Judge of the Municipal Criminal Court of San Francisco, appear, such words shall have the same effect as if written District Court, and Judge of the District Court, respectively.

#### INTRODUCTION OF BILL.

By Mr. Terrill—An Act to appropriate money for the use of the State Prison at San Quentin.

Read first and second times.

House went into Committee of the Whole for consideration of the bill.

[Mr. Estee in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Terrill, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Mr. Hill moved to refer the bill to the Committee on Ways and Means, on which the ayes and noes were demanded by Messrs. Long, Northcutt, and Summers, and the House refused, by the following vote:

AYES—Messrs. Aldrich, Bowers, Bradley, Bryan, Canfield, Carter, Chandler, Clark, Davis, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Higbie, Hill, Kercheval, Knox, Long, Morgan, Northcutt, Northup, Patterson, Peek, Pelham, Pishon, Rea, Snyder, Stowers, Summers, Swift, and Thunin—31.

NOES—Messrs. Ables, Barton, Burt, Byers, Byrnes, Cowdery, Cressler, Fahey, Franck, Freeman, Freidenrich, Gilmore of Calaveras, Gray, Hamill, Hammitt, Heald, Howe, McBride, McCallum, Miller, Murphy, Norton, Rogers, Roush, Russell, Simpers, Terrill, Thomas, Tully, Vandal, Venable, Welch, Wickware, Williams, and Mr. Speaker—35.

The rules were suspended, bill considered engrossed, read a third time, and on its passage, the ayes and noes were demanded by Messrs. Norton, Hill, and Northcutt, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Barton, Bradley, Burt, Byers, Byrnes, Chandler, Coggins, Cowdery, Cressler, Franck, Freeman, Freidenrich, Gray, Gurnett, Hamill, Hammitt, Heald, Higbie, Howe, Hurlburt, Kercheval, Knox, McBride, McCallum, Miller, Norton, Patterson, Rea, Rogers, Roush, Russell, Simpers, Stowers, Swift, Terrill, Thomas, Tully, Vandal, Venable, Welch, Wickware, and Williams—43.

**NOES**—Messrs. Bowers, Bryan, Canfield, Carter, Clark, Davis, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Hill, Long, Morgan, Northcutt, Northup, Parker, Peek, Pelham, Pishon, Snyder, Summers, and Tinnin—22.

The bill was ordered transmitted to the Senate without engrossment.

#### REPORTS.

Reports were made as follows:

By Mr. Hay:

**MR. SPEAKER:** Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 147—An Act to amend the Political Code in relation to highways:

Also, Assembly Bill No. 126—An Act to amend the Civil Code;

Also, Assembly Bill No. 205—An Act to amend the Political Code;

Also, Assembly Bill No. 518—An Act to provide for the redemption of the bonded indebtedness of El Dorado County;

Also, Assembly Bill No. 301—An Act to protect agriculture and to prevent the trespassing of animals in the County of Tehama;

Also, Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight;

Also, Assembly Bill No. 725—An Act supplemental to an Act to provide for the redemption of the funded indebtedness of Calaveras County;

And that the same were, this day, at ten o'clock and fifty-five minutes A. M., delivered to the Governor, for his approval.

HAY, Chairman.

By Mr. Russell:

**MR. SPEAKER:** The Sacramento delegation, to whom was referred Senate Bill No. 520—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two—have duly considered the same, and recommend that it do not pass.

RUSSELL, for Delegation.

- Senate Bill No. 520, above reported, passage refused.

By Mr. Coggins:

**MR. SPEAKER:** The Sacramento delegation having had under consideration Assembly Bill No. 669—An Act to quiet land titles, etc., in Sacramento County—report the same back, with the recommendation that it do not pass.

COGGINS, for Delegation.

Assembly Bill No. 669, above reported, engrossment refused.  
By Mr. Tully:

MR. SPEAKER: Your Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 197—An Act to amend the Political Code of the State of California, defining the boundary line between the Counties of Nevada and Placer—have had the same under consideration, and report the same back, with the recommendation that it do not pass.

TULLY, Chairman.

Assembly Bill No. 197, above reported, engrossment refused.  
By Mr. Chandler:

MR. SPEAKER: The Committee of Conference appointed to consider Senate amendment to Assembly Bill No. 647—report that they have met with Senate committee, and recommend that the Assembly still refuse to concur, and that no further action be had in the matter.

CHANDLER,  
CANFIELD,  
MEYERS.

Adopted.  
By Mr. Williams:

MR. SPEAKER: The majority of the Committee of Conference on Senate Bill No. 27—An Act to amend section three thousand nine hundred and sixty of the Code of Civil Procedure—recommend that the Assembly recede from its amendment.

PENDEGAST,  
LAINE,  
O'CONNOR,  
On the part of the Senate.

WILLIAMS,  
On the part of the Assembly.

On the adoption of the report, the ayes and noes were demanded by Messrs. Cowdery, Freidenrich, and Terrill, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Burt, Chandler, Clark, Coggins, Davis, Dixon, Fahey, Giffen, Gilmore of Calaveras, Gray, Gurnett, Higbie, Hill, Hurlburt, Ingham, Kercheval, Klotz, Knox, Long, McBride, Meyers, Morgan, Murphy, Northcutt, Norton, Peek, Pelham, Pishon, Roush, Russell, Simpers, Snyder, Stowers, Thomas, Tully, Venable, Welch, and Williams—41.

NOES—Messrs. Ables, Bryan, Cowdery, Franck, Freeman, Freidenrich, Hammitt, Heald, McCallum, Miller, Parker, Patterson, Rogers, Simpson, Terrill, Tunnin, Vandall, and Mr. Speaker—18.

#### INTRODUCTION OF BILL.

By Mr. Coggins (Assembly Bill No. 792)—An Act relating to tax titles in Sacramento County.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed.

# MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Senate Bill No. 555—An Act prescribing the manner of apportioning school moneys in Siskiyou and Sonoma Counties.

Also, passed Senate Bill No. 556—An Act to prevent hogs running at large on certain lands in this State.

Also, passed Senate Bill No. 557—An Act supplementary to an Act entitled an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four.

Also, passed Senate Bill No. 559—An Act concerning the fees and salaries of officers of the City and County of San Francisco.

Also, passed Senate Bill No. 553—An Act concerning officers of the City of Sacramento.

Also, on the twenty-eighth instant, passed Senate Bill No. 480—An Act for the encouragement of agriculture and other industries.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, adopted the report of the Committee of Free Conference on Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, amended and passed Assembly Bill No. 456—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County.

Also, passed Assembly Bill No. 779—An Act to regulate fees of office in the City and County of San Francisco.

Also, passed Assembly Bill No. 788—An Act amendatory of and supplementary to an Act entitled an Act in relation to Coroners in the City and County of San Francisco.

Also, passed Assembly Bill No. 660—An Act to legalize the assessment of a street tax in the City of Sacramento.

Also, passed Assembly Bill No. 772—An Act authorizing the State Board of Examiners to allow certain claims against the State.

Also, adopted Senate Concurrent Resolution No. 65, authorizing Enrolling Clerk to correct error in Senate Bill No. 108—An Act to amend the Penal Code.

E. L. CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGES.

Senate Concurrent Resolution No. 65, above reported, read, and adopted.

Assembly Bill No. 456, above reported, Senate amendments concurred in.

Senate Bill No. 480, above reported, read first and second times, and referred to the Committee on Agriculture.

Senate Bill No. 553, above reported, read first and second times, and referred to the Sacramento delegation.

Senate Bill No. 559, above reported, read first and second times, and referred to the San Francisco delegation.

Senate Bill No. 555, above reported, read first and second times, and referred to the Siskiyou and Sonoma delegations.

Senate Bill No. 556, above reported, read first and second times, and referred to the Committee on Diseased Hogs.

Senate Bill No. 557, above reported, read first and second times, and referred to the Committee on Roads and Highways.

## GENERAL FILE.

Assembly Bill No. 454—An Act to discourage drunkenness and diminish crime and pauperism.

Read a third time, and on the passage of the bill the ayes and noes were demanded by Messrs. Tinnin, Murphy, and Gray, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bowers, Bryan, Burt, Byers, Canfield, Chandler, Clark, Cowdery, Cressler, Davis, Dixon, Fahey, Freidenrich, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hammitt, Heald, Higbie, Hurlburt, Ingham, Klotz, Knox, Long, McBride, Meyers, Morgan, Northcutt, Norton, Parker, Patterson, Pelham, Rogers, Russell, Simpson, Snyder, Swift, Terrill, Thomas, Tully, Vandall, Welch, Williams, and Mr. Speaker—48.

NOES—Messrs. Coggin, Franck, Freeman, Ferguson, Gilmore of El Dorado, Hill, Kercheval, McCallum, Murphy, Northup, Peek, Roush, Simpser, Tinnin, and Wickware—15.

## COMMUNICATION.

The Speaker presented the following communication, which was read by the Clerk, and ordered spread upon the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF STATE, }  
SACRAMENTO, March 30th, 1874. }

*To the Hon. Speaker of the Assembly:*

SIR: I have the honor to acknowledge the receipt of a copy of the resolution, recently adopted by your honorable body, requesting the Secretary of State to furnish, on or before the close of the Legislature, each member of the Assembly, with an itemized statement of all articles, stationery, and otherwise, supplied to such member during the session. Owing to the increased duties of this office consequent upon

the early adjournment of the Legislature, and also to the operation of a previous resolution adopted by your honorable body, requesting the Secretary of State to furnish stationery, etc., only upon the individual order of each member and attaché, I find myself unable to comply fully with the request embodied in said resolution first referred to, without neglecting important duties required by law to be performed in this department while the Legislature is in session.

All requisitions are now arranged separately, in the name of the member or officer issuing the same, the intention being to open ledger accounts after the rush of legislative business shall be over. To do so at this late day, and to transcribe the same for each member before adjournment of the Legislature, is simply impossible. Any member or attaché may, however, call and inspect his requisitions, and satisfy himself as to the extent of his orders for stationery.

I have the honor to be, very respectfully yours,

DRURY MELONE,  
Secretary of State.

#### RESOLUTION.

By Mr. Ferguson:

*Resolved*, That the Sergeant-at-Arms be instructed to collect all ink-stands, mutilage pots, waste baskets, spittoons, penholders, etc., remaining about the various desks of the members, noting what member's desk he collects each article from, and return the same to the Secretary of State, and take his receipt therefor.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Rules suspended, bill considered engrossed, read a third time, and on its passage the ayes and noes were demanded by Messrs. Rogers, Cowdery, and Freidenrich, and the House so ordered, by the following vote:

AYES—Messrs. Amerman, Barton, Bowers, Bryan, Burt, Byers, Byrnes, Canfield, Carter, Chandler, Clark, Coggins, Dixon, Fahey, Freeman, Ferguson, Giffen, Gilmore of Calaveras, Gilmore of El Dorado, Gurnett, Hammitt, Hill, Howe, Hurlburt, Kercheval, Klotz, Knox, Long, McBride, Morgan, Murphy, Northup, Parker, Patterson, Peek, Pelham, Rea, Roush, Russell, Simpers, Summers, Terrill, Thomas, Tully, Vandall, Venable, Welch, Wickware, Williams, and Mr. Speaker—50.

NOES—Messrs. Ables, Aldrich, Cowdery, Cressler, Davis, Franck, Freidenrich, Higbie, Rogers, and Swift—10.

The bill was ordered transmitted to the Senate without engrossment.

#### REPORT.

By Mr. Amerman:

Mr. SPEAKER: The Committee of Free Conference on Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to

provide for certain deficiencies—respectfully report that they have fully and carefully considered the same, and now report back a substitute, and recommend the passage of the substitute.

AMERMAN,  
INGHAM,  
DIXON,  
Assembly Committee.

EVANS,  
GRAVES,  
IRWIN,  
Senate Committee.

Substitute for Assembly Bill No. 770, above reported, read first and second times.

House went into Committee of the Whole for consideration of the bill.  
[Mr. Freidenrich in the chair.]

The bill was considered in Committee of the Whole, when, on motion of Mr. Swift, the committee arose, reported the bill back, and recommended its passage.

#### IN ASSEMBLY.

[Speaker in the chair.]

Substitute for Assembly Bill No. 770, above reported, substitute adopted, rules suspended, bill read a third time, and, on its passage, the ayes and noes were demanded by Messrs. Heald, Kercheval, and Barton, and the House so ordered, by the following vote:

AYES—Messrs. Aldrich, Amerman, Bowers, Bradley, Byrnes, Canfield, Carter, Coggins, Cowdery, Dixon, Fahey, Franck, Freidenrich, Ferguson, Gray, Gurnett, Ingham, McBride, McCallum, Murphy, Northup, Peek, Rea, Rogers, Roush, Russell, Simpers, Simpson, Summers, Swift, Terrill, Thomas, Tully, Welch, Wickware, Williams, and Mr. Speaker—37.

NOES—Messrs. Ables, Barton, Bryan, Burt, Byers, Chandler, Clark, Cressler, Davis, Freeman, Giffen, Gilmore of El Dorado, Hammitt, Heald, Higbie, Hurlburt, Kercheval, Klotz, Knox, Long, Miller, Northcutt, Norton, Parker, Patterson, Pelham, Tinnin, Vandall, and Venable—29.

#### REPORT.

By Mr. Coggins:

MR. SPEAKER: The Sacramento delegation have had under consideration Senate Bill No. 553—An Act concerning officers of the City of Sacramento—and report the same back, with the recommendation from the majority that it pass.

COGGINS, for Delegation.

Senate Bill No. 553, taken up, rules suspended, and, pending its reading, at twelve o'clock and fifteen minutes P. M., the House took a recess until one o'clock P. M.

## REASSEMBLED.

The House reassembled at one o'clock p. m.

Speaker in the chair.

Roll called, and a quorum present.

House resumed consideration of Senate Bill No. 553—An Act concerning officers of the City of Sacramento.

On the passage of the bill, the ayes and noes were demanded by Messrs. Northup, Fahey, and Murphy, and the House refused, by the following vote:

**AYES**—Messrs. Aldrich, Bradley, Bryan, Burt, Carter, Chandler, Clark, Coggins, Cressler, Freeman, Gilmore of Calaveras, Gray, Hammitt, Heald, Hurlburt, Kercheval, Klotz, Knox, McCallum, Meyers, Morgan, Peek, Rogers, Roush, Russell, Swift, Vandall, Venable, Wickware, Winchell, and Mr. Speaker—31.

**NOES**—Messrs. Barton, Bowers, Byers, Byrnes, Canfield, Cowdery, Dixon, Fahey, Franck, Freidenrich, Ferguson, Giffen, Gilmore of El Dorado, Gurnett, Hamill, Higbie, Hill, Howe, Ingham, Long, McBride, Miller, Murphy, Northcutt, Northup, Norton, Parker, Patterson, Pelham, Rea, Simpers, Snyder, Stowers, Summers, Tinnin, Thomas, Tully, Welch, and Williams—39.

## REPORT.

By Mr. Swift:

**MR. SPEAKER:** The San Francisco delegation, to whom was referred Senate Bill No. 543—An Act relative to the City Hall Commissioners of San Francisco—have had the same under consideration, agreed upon an amendment thereto, and now report the same back, and recommend the passage of the bill as amended.

Also, Senate Bill No. 559—An Act concerning the fees and salaries of the officers of the City and County of San Francisco—and report the same back, with the recommendation that it pass.

SWIFT, Chairman.

Senate Bill No. 543, above reported, amended, rules suspended, bill read a third time, and passed.

Senate Bill No. 559, above reported, rules suspended, bill read a third time, and passed.

## INTRODUCTION OF BILL.

By Mr. Gilmore of El Dorado—An Act to provide for the disposition of the proceeds of poll taxes in the County of El Dorado.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

## SPECIAL ORDER.

The Speaker announced the special order to be consideration of Assembly Bill No. 783—An Act to amend sections three thousand six hundred and ninety-four and three thousand seven hundred and thirteen of the Political Code.



Amended, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

#### REPORTS.

By Mr. McBride:

MR. SPEAKER: The Sonoma and Siskiyou delegations, to whom was referred Senate Bill No. 555, report the same back with amendments, and recommend its passage as amended.

McBRIDE, for Siskiyou Delegation.  
DIXON, for Sonoma Delegation.

Senate Bill No. 555, above reported, amended, rules suspended, bill read a third time, and passed.

By Mr. Pelham:

MR. SPEAKER: The Committee on Roads and Highways, to whom was referred Senate Bill No. 557—An Act supplementary to an Act to amend the Political Code in relation to highways, approved March thirtieth, eighteen hundred and seventy-four—beg leave to return the same, and recommend its passage.

PELHAM, for Committee.

Senate Bill No. 557, above reported, rules suspended, read a third time, and passed.

By Mr. Venable:

MR. SPEAKER: Your committee to whom was referred Senate Bill No. 556—An Act to prevent hogs running at large on certain lands of this State—have had the same under consideration, and beg leave to report the same back, and recommend its passage.

VENABLE, for Committee.

Senate Bill No. 556, above reported, rules suspended, bill read a third time, and passed.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 751—An Act in relation to the government of the County of Sacramento.

Also, passed Assembly Bill No. 714—An Act to make an appropriation for fitting up the Governor's Mansion for the purpose of using portions thereof as a State Printing Office and State Armory.

Also, appointed Messrs. Pendegast, Laine, and Evans as a Committee of Conference on Assembly Bill No. 785—An Act to amend sections thirty-seven hundred, thirty-seven hundred and one, and thirty-seven hundred and two of the Political Code.

Also, passed Assembly Bill No. 789—An Act supplementary to an Act entitled an Act to establish a Police Court in the City of Oakland, approved March tenth, eighteen hundred and sixty six.

Also, indefinitely postponed Assembly Bill No. 723—An Act to amend section thirty-nine hundred and fifty-two of the Political Code.

Also, passed Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Also, indefinitely postponed Assembly Bill No. 71—An Act to amend an Act fixing the time of holding the County and Probate Courts in the County of Calaveras.

Also, indefinitely postponed Assembly Bill No. 397—An Act to enable the electors of the State to nominate their United States Senators.

Also, indefinitely postponed Assembly Bill No. 215—An Act to prevent fraudulent sales of merchandise.

Also, indefinitely postponed Assembly Bill No. 599—An Act to legalize defective descriptions and assessments of property for the years eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, indefinitely postponed Assembly Bill No. 525—An Act for the protection of fish and game.

Also, passed Assembly Bill No. 654—An Act concerning the State Harbor Commission, and for other purposes.

Also, passed Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code.

IRA H. REED,  
Assistant Secretary.

SENATE CHAMBER,  
March 30th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 784—An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots in the City and County of San Francisco.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 30th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Substitute for Senate Bills Nos 150, 165, and 214—An Act creating a Board of Transportation Commissioners, and to prevent extortion and discrimination in fares and freights on railroads in this State.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 785, above reported, Messrs. Freeman, Gray, and

Hurlburt were appointed a Committee of Conference on disagreeing vote of the two Houses on the bill.

Assembly Bill No. 478, above reported, Senate amendments concurred in.

Substitute for Senate Bills No. 150, 165, and 214, read first and second times, and referred to the Committee on Corporations, with instructions to report at two o'clock and thirty minutes P. M.

#### PETITION.

By Mr. Barton—relative to pay of Wm. Brown, Porter in the office of State Printer.

Referred to the Committee on Rules and Employés.

#### REPORT.

By Mr. Klotz:

MR. SPEAKER: The Committee on Land Monopoly beg leave to present the following majority report:

That on February thirteenth, eighteen hundred and seventy-four, said committee went to San Francisco, and on the fourteenth, sixteenth, and seventeenth took testimony—the majority of it in reference to Mr. Chapman. On Tuesday Mr. Chapman appeared and stated he hoped he would not be tried and adjudged without a hearing; to which the committee agreed. On the seventeenth the committee returned to Sacramento and subpoenaed Mr. Chapman. Owing to other duties, it was impossible for the committee to meet, and Mr. Chapman remained in Sacramento about a week. He (Chapman) at all times insisted on the committee meeting and taking the rebutting testimony of some twenty or thirty witnesses, which would have entailed a great expense upon the State. On account of the limited time, it was agreed, or promised, at a subsequent meeting of the committee, that as no opportunity had been furnished him to introduce, in full, his rebutting testimony, that no evidence pertaining to him should be printed. The committee further state, that from the testimony adduced before them, they believe that the evils complained of result in a great measure from the imperfection of the land laws.

RUDOLPH KLOTZ,  
S. MEYERS,  
A. HIGBIE,  
A. L. CHANDLER.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 28th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 627—An Act to make the bridge across the Stone Road Crossing in Sutter County a free bridge, and for said county to own and control the same.

Also, Assembly Bill No. 691—An Act to provide for the preservation of the material of the Geological Survey of California.

Also, Assembly Bill No. 503—An Act legalizing the official acts of Constables in this State, performed between the first Monday of January and the first Monday of March, eighteen hundred and seventy-four.

Also, Assembly Bill No. 531—An Act to authorize the issue of bonds by the County of Fresno to erect county buildings.

Also, Assembly Bill No. 254—An Act to provide for the payment of the deficiency in the salaries of the members of the State Board of Examination for the twenty-third fiscal year.

Also, Assembly Bill No. 648—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Assembly Bill No. 699—An Act consolidating the offices of Sheriff and Tax Collector in the County of Placer, and making the Sheriff ex officio Tax Collector.

Also, Assembly Bill No. 672—An Act fixing the compensation of the Assessor of Mono County.

Also, Assembly Bill No. 682—An Act to authorize the Trustees of the City of Benicia to purchase a lot of land for public purposes.

Also, Assembly Bill No. 604—An Act regulating the fees of witnesses in criminal cases in Stanislaus and Merced Counties.

Also, Assembly Bill No. 645—An Act for the protection of coal mines and coal miners.

Also, Assembly Bill No. 693—An Act to authorize the City of Los Angeles to issue bonds in payment of certain indebtedness.

Also, Assembly Bill No. 676—An Act to enforce payment of delinquent taxes due in the district of Santa Barbara County now constituting the County of Ventura.

Also, Assembly Bill No. 686—An Act to amend an Act entitled an Act to allow certain persons therein named, and their associates and assigns, to take possession of and improve a certain road in the County of Sacramento, passed March twenty-third, eighteen hundred and seventy-two.

Also, Assembly Bill No. 634—An Act to extend the time in which the Swamp Land District Number One Hundred and Sixteen shall complete its work of reclamation.

Also, Assembly Bill No. 670—An Act to authorize the Methodist Episcopal Church of the Town of Rohnerville, in the County of Humboldt, to reduce the number of Trustees.

Also, Assembly Bill No. 737—An Act to amend an Act entitled an Act to regulate salaries and fix the compensation of certain county officers in the County of Sonoma, approved March sixteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 734—An Act supplemental to an Act entitled an Act to provide for the construction of certain wagon roads in the County of Humboldt.

Also, Assembly Bill No. 729—An Act giving the consent of the Legislature to Whitman H. Hill, County Clerk of El Dorado County, in the State of California, to absent himself from said State for a period not exceeding ninety days.

Also, Assembly Bill No. 745—An Act to authorize the Board of Supervisors of San Bernardino County to locate and build bridges across the River Santa Anna, and to issue bonds for the payment of the same.

Also, Assembly Bill No. 499—An Act concerning the salary of the Auditor and ex officio Clerk of the Board of Trustees of the City of Sacramento.

Also, Assembly Bill No. 674—An Act to repeal an Act entitled an Act relating to public roads in Lake County, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 653—An Act supplemental to an Act entitled an Act to regulate the fees of office and to fix the compensation of the officers in the County of Sacramento, approved February twenty-eighth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 628—An Act to provide for the construction of a railroad from Independence, in the County of Inyo, to the City of Los Angeles, Los Angeles County, and to regulate fares and freights thereon.

Also, Assembly Bill No. 522—An Act to repeal an Act entitled an Act in relation to the Board of Education of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and seventy-two; also, to confer power on the Board of Education of said city and county to pay any deficit in the School Fund of eighteen hundred and seventy-two and eighteen hundred and seventy-three.

Also, Assembly Bill No. 659—An Act to provide for the construction of a railroad from the City of Marysville, in the County of Yuba, to Knights Landing, in the County of Yolo, and to regulate freights and fares thereon.

Also, Assembly Bill No. 756—An Act to amend an Act entitled an Act to prescribe the duties and provide the salary of certain officers of San Mateo County, to authorize the issue of bonds for road purposes, and other matters relating thereto, approved March eighteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 523—An Act to amend the provisions of the Political Code relative to public schools.

Also, Assembly Bill No. 700—An Act to authorize the Board of Supervisors of Alameda County to pay the claim of George W. Babcock.

Also, Assembly Bill No. 706—An Act amendatory of an Act entitled an Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine, approved April fourth, eighteen hundred and seventy.

Also, Assembly Bill No. 716—An Act to confer additional powers upon the Board of Supervisors of the County of San Joaquin.

Also, Assembly Bill No. 703—An Act to provide for the collection of district school taxes in Townsend and May School Districts, in Murray Township, in the County of Alameda.

Also, Assembly Bill No. 754—An Act amendatory of and supplementary to an Act entitled an Act reorganizing the Board of Supervisors of the County of Placer, and providing for the election of the same.

Also, Assembly Bill No. 749—An Act to prevent hogs from running at large in the Towns of Red Bluff and Tehama, in Tehama County.

Also, Assembly Bill No. 593—An Act to authorize the Mutual Life Insurance Company, of New York, and the Equitable Life Assurance Company, of the United States, to invest moneys in real and personal estate within the limits of California.

NEWTON BOOTH,  
Governor.

## RESOLUTION.

By Mr. Williams:

*Resolved by the Assembly, the Senate concurring,* That the Journal Clerks of the Senate and Assembly are hereby directed to compare the Senate and Assembly Journals, and ascertain and report to their respective Houses whether the Constitutional amendments proposed have been entered correctly and alike upon the Journals of each House.

Adopted.

## INTRODUCTION OF BILL.

By Mr. Williams—An Act relative to the proposed amendments to the Constitution.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

At one o'clock and fifty minutes P. M., the House took a recess until two o'clock and fifteen minutes P. M.

## REASSEMBLED.

House reassembled at two o'clock and fifteen minutes P. M.

Speaker in the chair.

Roll called, and a quorum present.

## MOTION.

On motion of Mr. Cowdery, and by unanimous consent, the vote on the passage of Senate Bill No. 759 was reconsidered, the bill taken up, and referred to the San Francisco delegation, to correct a clerical error.

## RESOLUTION.

By Mr. Parker:

*Resolved,* That the proper officers of this House be and are hereby required to deposit the original testimony taken by the Land Investigating Committee, in the office of the Secretary of State, as legislative archives.

Adopted.

By Mr. Cowdery:

*Resolved,* That the Postmaster be and he is hereby directed to take the address of each and every member of this House, and remain at the State Capitol for the period of two weeks, for the purpose of remailing such mail matter as may come to the members after the House adjourns; and for such services to receive the sum of fifty dollars, and the Controller is hereby directed to issue his warrant for the same.

Adopted.

## REPORTS.

By Mr. Swift:

Mr. SPEAKER: The Committee on Corporations, to whom was referred Substitute for Senate Bills Nos. 150, 165, and 214—An Act creating a Board of Transportation Commissioners, and to prevent extortion and discrimination in fares or freights on railroads within this State—have had the same under consideration, have agreed upon an amendment to the bill, and now report the same back, with the recommendation that it pass as amended.

SWIFT, Chairman.

Committee amendment to Substitute for Senate Bills Nos. 150, 165, and 214, above reported, was, on motion of Mr. Swift, taken up, when the third reading of the bill was objected to by Mr. Snyder; the bill was read for information, and ordered on File.

Mr. Terrill verbally reported back Senate Bill No. 536, without recommendation.

Mr. Vandall objected to the third reading of the bill to-day, and it was ordered on File.

## RESOLUTIONS.

By Mr. Meyers:

*Resolved*, That the following sums be paid to the persons herein named for copying done for the Engrossing Clerk's office, the same being estimated at fifteen cents per folio:

George Seckle, two hundred and ninety-two and a half folios...	\$44 02
A. E. King, five hundred and fifty-five folios.....	83 25
M. Upton, one hundred and two folios.....	15 30
— Jackson, thirty folios.....	4 50
— Starr, twenty-five folios.....	3 75
— Potter, forty-one folios.....	6 15

The Controller of State shall draw his warrant therefor, and the Treasurer shall pay the same out of contingent appropriation of the Assembly.

Adopted.

By Mr. Meyers:

*Resolved*, That Ellis Edwards be allowed fifty-six dollars for assistance rendered the clerks at the desk during the last week of the session, and the Controller is directed to draw his warrant on the Contingent Fund of the Assembly for the same.

Adopted.

## REPORT.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred the resolution allowing additional pay to Owen Thorn for services rendered the Hospital Committee, have considered the same, and report it back, with the recommendation that it do not pass.

SAMUEL MEYERS, for Committee.

The report was adopted.

By Mr. Terrill:

Mr. SPEAKER: Your committee appointed on the sixth of February last, under and by virtue of the following resolution, to wit:

WHEREAS, It has been brought to the notice of this House, by the public press, that litigants are subjected to a long and seeming unnecessary delay in the trial and decision of their causes in the various Courts of this State; therefore,

*Resolved*, That a committee of five be appointed by the Speaker of this House to inquire into the subject, with a view of ascertaining the cause of and proper remedy for such delay, and that they report a bill to provide such remedy, if they deem it necessary and advisable.

Respectfully beg leave to report that, on the twenty-first day of February, they proceeded to San Francisco, from which place a majority of the complaints had emanated, where they met, by appointment, the following named Judges, to wit: Hon. R. C. Morrison, Judge of the Fourth Judicial District; Hon. J. R. Sharpstein, Judge of Twelfth Judicial District; Hon. S. N. Dwinelle, Judge of the Fifteenth Judicial District; Hon. E. D. Wheeler, Judge of the Nineteenth Judicial District; Hon. John A. Stanly, County Judge of said city and county; Hon. M. C. Blake, Judge of the Municipal Criminal Court of said city and county; and the Hon. M. H. Myrick, Probate Judge of said city and county; with whom we had a conference in regard to the subject matter contained in said resolution, and obtained from them considerable information regarding the cause of such delays, together with many suggestions for the remedy thereof. From the information and suggestions so received, we would state it as our opinion that one great cause for such delay is the existence of five separate and distinct District Courts with coordinate jurisdiction in said city and county, with separate terms. Instead of these five Courts, your committee believe there should be substituted one Court, with such number of Judges as might be necessary, to be always open, and the cases to be distributed from time to time among the various Judges by the Court in bank.

It is the opinion of said Judges that the capital cases, instead of being transferred to either of the District Courts from the County Courts where the indictments are found, should be confined to but one Court, and suggest the extension of the powers of the Municipal Criminal Court, and an increase in the number of Judges for that purpose.

It appears, also, that the offices of District Attorney and City and County Attorney, in and for said city and county, are overcrowded with work, and that the time of those officers is, to too great an extent, occupied in procuring continuances of cases which it is impossible for



them to attend to, instead of proceeding to their trial when called, as they ought of right to do, but which they are unable to do for want of sufficient time for preparation.

We find, also, that the spirit of professional courtesy, frequently aided by the wish of litigants, which exists among the legal fraternity, and is participated in by the Court, is the cause of a great part of the delay to which litigants are subjected. To so great an extent is this feeling carried in San Francisco, where the members of the bar are engaged in so many Courts, that causes are sometimes for two, and even three or four terms of the Court, for the accommodation of the attorneys only, and to the great detriment of their clients, who can do nothing but submit, with the best grace possible, inasmuch as a quarrel with their attorney is equivalent to a loss of their cause. We find that the cases are few where the Judges hold cases under advisement for any great length of time, but still we think there are more such than are justifiable, and would suggest that the Judges be requested to bear in mind, that what may seem to them to be but a matter of temporary inconvenience, may prove an irreparable loss to the unfortunate litigant, whose all may depend upon a speedy determination of his cause, and that the judiciary will, in the future, avoid giving even a seeming cause for complaint in this regard. Your committee has received complaints from various parts of the interior of the State, concerning delays in the adjudication of causes, but we have not had the time necessary for an investigation thereof. In regard to these cases we can only say, that it is very desirable that there should be no cause for future complaint.

Your committee have conferred with a number of the Justices of the Supreme Court, and have examined, as far as possible, into the business adjudicated by them, and find, on comparison, that the business dispatched by them is not equalled, in either quantity or originality, by any Court in the United States. They may have delayed causes in some instances, but we believe they are overworked, and when we find men in that condition in any of the walks of life, we are inclined to accept it as an excuse for many acts of seeming negligence. It may be that in some instances they are at fault, but when we consider the number of cases, and the sizes of the transcripts and briefs submitted to them for consideration, we can but wonder that they accomplish so much.

In conclusion, we would say that our judicial system could, in our opinion, be remodeled in some respects, and be made more perfect than it now is, but as it can only be done by amending the Constitution, and as the proposition has been adopted to submit to the people the question of calling a Convention to frame a new Constitution, your committee consider that with them rests the responsibility of devising a remedy for the evils complained of.

All of which is respectfully submitted.

TERRILL, Chairman.

#### INTRODUCTION OF BILL.

By Mr. Norton—An Act to amend the Political Code.

Read first and second times, rules suspended, bill considered engrossed, read a third time, and passed, and ordered transmitted to the Senate without engrossment.

## RESOLUTION.

By Mr. Meyers:

*Resolved*, That George Whitlock be and he is hereby allowed seventy-five (75) dollars for services as Porter of the Judiciary Committee, and that the Controller of State be directed to draw his warrant for the same on the Contingent Fund of the Assembly.

Adopted.

## REPORTS.

Reports were submitted as follows:

By Mr. Williams:

Mr. SPEAKER: The Committee on Judiciary have considered Senate Bill No. 548—An Act to amend section six hundred and thirty-four of the Penal Code—report it back, and recommend its passage.

WILLIAMS, Chairman.

Senate Bill No. 548, above reported, rules suspended, read a third time, and passed.

By Mr. Welch:

Mr. SPEAKER: The Lake County delegation, to whom was referred Senate Bill No. 383—An Act to reorganize the Board of Supervisors of Lake County and to provide for the election of two additional members thereof, and for other matters relating thereto—beg leave to report the same back, and recommend that it do not pass.

WELCH, for Delegation.

Senate Bill No. 383, above reported, taken up, and passage refused.

By Mr. Murphy:

Mr. SPEAKER: Your Committee on Public Expenditures and Accounts have examined the following bills and accounts, found them correct, and recommend that they be paid:

TO WHOM DUE.	Amount.
Charles Heisen.....	\$4 00
T. C. Benteen.....	4 00
C. L. Knowles.....	2 00
William M. Crutcher.....	16 00

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrants in favor of the above named persons, for the sums set opposite their names, and the Treasurer is hereby directed to pay the same.

MURPHY, Chairman.

Adopted.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure.

Also, passed Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners.

Also, passed Assembly Bill No. 607—An Act providing for the removal of civil officers for a violation of official duties.

Also, refused to recede from its amendments to Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code and to repeal certain other sections—and appointed Senators Tuttle, Finney, and Duffy, as a Committee of Conference.

Also, refused to pass Assembly Bill No. 791—An Act to appropriate money for the use of the State Prison at San Quentin.

Also, adopted the substitute reported by the Committee of Conference for Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies.

E. L. CRAWFORD,  
Assistant Secretary.

## CONSIDERATION OF SENATE MESSAGE.

Assembly Bills Nos. 1 and 26, above reported, Messrs. Freeman, Aldrich, and Tinnin were appointed a Committee of Conference on the disagreeing vote of the two Houses on the bill.

## REPORT.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Agriculture, to whom was referred Senate Bill No. 480—An Act for the encouragement of agriculture and other industries—have had the same under consideration, and beg leave to report the same back, without recommendation.

SAMUEL MEYERS, for Committee.

## RESOLUTION.

By Mr. Meyers:

*Resolved*, That the following sums be paid to the persons herein named, for copying done in the Enrolling Clerk's office, the same being estimated at twenty cents per folio:

John Young (thirty folios).....	\$6 00
John Prescott (twenty-one folios).....	4 20
I. C. Potter (sixty-seven folios).....	13 40
Henry Eardley (six hundred and sixty-two folios).....	132 40
J. D. Jackson (one hundred and eighteen folios).....	23 60

E. R. Campbell (nineteen folios).....	\$3 80
Miss Peck (forty-five folios).....	9 00
Charles Ruggles (three hundred and seven folios).....	61 40
C. Upton (sixty-four folios).....	12 80
W. A. King (one hundred and forty-five folios).....	29 00
George Seckle (one hundred and twenty-seven folios).....	25 40
J. P. Stevens (one hundred folios).....	20 00

And that the Controller be directed to draw his warrant on the Contingent Fund of the Assembly, in favor of each of the above mentioned persons, for said sums.

Adopted.

#### INTRODUCTION OF BILL.

By Mr. Russell—An Act to elect certain officers in the City of Sacramento, and fix their compensation.

Read first and second times, and ordered on File.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 538—An Act to authorize the issue of bonds by the County of Kern, to erect county buildings.

Also, Assembly Bill No. 646—An Act to amend an Act entitled an Act to amend certain sections, to repeal certain sections, and to add certain new sections to the Political Code of the State of California, approved March thirteenth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 771—An Act to locate the county seat of Solano County.

Also, Assembly Bill No. 573—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty six.

Also, Assembly Bill No. 705—An Act authorizing the City of Oakland to issue and sell bonds of the City of Oakland, and with the proceeds thereof to pay and cancel certain other bonds of said city.

Also, Assembly Bill No. 340—An Act to provide for the liquidation of the floating indebtedness of the City of Oakland, and to prevent the incurring of further debts.

Also, Assembly Bill No. 732—An Act authorizing the Controller of State to credit certain counties with the amount of old balances due the State.

Also, Assembly Bill No. 724—An Act to authorize the Board of Su-

pervisors of the County of San Joaquin to transfer certain moneys to the General Fund of said county.

Also, Assembly Bill No. 402—An Act to quiet title to certain lands.

Also, Assembly Bill No. 769—An Act supplemental to an Act making appropriations for deficiencies for the twenty-fourth and twenty-fifth fiscal years, ending June thirtieth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 620—An Act in relation to suits brought against the County of Marin, for damages on account of laying out public roads.

Also, Assembly Bill No. 460—An Act to redistrict the County of Tehama, and to reorganize the Board of Supervisors in and for said county.

Also, Assembly Bill No. 388—An Act to quiet titles to certain lands in the Counties of Yolo and Colusa, in the State of California.

Also, Assembly Bill No. 281—An Act entitled an Act for the relief of John C. Burgess and Orrin Champlin.

Also, Assembly Bill No. 642—An Act to authorize the Mayor and Common Council of Salinas City to build a school house, and to provide for a fire department in said city; to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No. 665—An Act to amend an Act entitled an Act restricting the herding of sheep to certain pastures, in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-seven.

Also, Assembly Bill No. 736—An Act to change the name of the Town of New Republic, in the County of Monterey, State of California, to Santa Rita.

Also, Assembly Bill No. 735—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property in the Counties of Fresno, Tulare, Kern, Ventura, Santa Barbara, San Luis Obispo, and Monterey, approved February fourth, eighteen hundred and seventy-four.

Also, Assembly Bill No. 541—An Act for the relief of A. T. Gray, late Treasurer and ex officio Tax Collector of El Dorado County.

Also, Assembly Bill No. 782—An Act to amend an Act entitled an Act to amend sections three thousand and nine and three thousand and ten of the Political Code, approved March twenty-third, eighteen hundred and seventy-four.

Also, Assembly Bill No. 193—An Act to amend section nine hundred and fifty-five of the Political Code.

Also, Assembly Bill No. 493—An Act to provide for the location and better maintenance of roads and highways in the County of Placer.

Also, Assembly Bill No. 742—An Act to authorize the Trustees of the Town of Hollister to build a school house, to issue bonds therefor, and to provide for the payment of the same.

Also, Assembly Bill No. 697—An Act to provide for the collection of certain unpaid taxes in the County of Modoc.

Also, Assembly Bill No. 748—An Act supplementary to an Act entitled an Act to provide for the construction of a common wagon road from Healdsburg, in Mendocino Township; Sonoma County, to Pine Flat, in said county, approved March eleventh, eighteen hundred and seventy-four.

Also, Assembly Bill No. 718—An Act relative to roads and highways in the County of Shasta.

Also, Assembly Bill No. 780—An Act to create a Board of Auditors for El Dorado County, and fix the powers thereof.

Also, Assembly Bill No. 194—An Act to amend the Code of Civil Procedure relative to liens of mechanics and others upon real property.

Also, Assembly Bill No. 341—An Act to legalize a certain assessment made by the officers of the Town of Brooklyn, Alameda County, for the year eighteen hundred and seventy-one.

Also, Assembly Bill No. 761—An Act relating to the office of District Attorney of Sacramento County.

Also, Assembly Bill No. 760—An Act to provide a new Great Register for the County of Sacramento.

Also, Assembly Bill No. 753—An Act in relation to certain streets in the Town of Alameda.

Also, Assembly Bill No. 750—An Act making the Treasurer of Tehama County ex officio Tax Collector, and to provide for certain fees in office.

Also, Assembly Bill No. 666—An Act concerning the county records of the County of Marin.

Also, Assembly Bill No. 509—An Act to authorize the Board of Supervisors of Lake County to lease a certain toll road in said county, and for other purposes.

Also, Assembly Bill No. 690—An Act amendatory of an Act entitled an Act to prevent hunting and shooting on private inclosed grounds, and the destruction of growing timber on private grounds, in certain counties in this State, approved March eighth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 391—An Act to repeal an Act entitled an Act amendatory of and supplemental to an Act regulating rodeos, passed April thirtieth, eighteen hundred and fifty-one, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 683—An Act for the relief of Joseph Legget, of the City and County of San Francisco.

Also, Assembly Bill No. 610—An Act prescribing the fees of Coroners and Elisors and their mode of payment.

Also, Assembly Bill No. 712—An Act to ratify and confirm Order Number Eleven Hundred and Thirty nine of the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 567—An Act declaring the Mono Cojo Slough navigable.

Also, Assembly Bill No. 551—An Act to provide for the payment of an outstanding warrant, drawn by the Auditor of the County of Yolo, against the Swamp Land District Fund of District Number Eighteen.

Also, Assembly Bill No. 717—An Act amendatory of and supplementary to an Act entitled an Act to provide for the purchase and construction of free bridges in Big River Township, in the County of Mendocino, approved March twenty-third, eighteen hundred and seventy-four.

Also, Assembly Bill No. 781—An Act to levy taxes for county purposes in the County of El Dorado.

Also, Assembly Bill No. 578—An Act to authorize the Board of Supervisors of the City and County of San Francisco to lease a school lot in said city and county, and to authorize the issuance of school bonds for the purchase of sites and the erection of school buildings in said city and county.

Also, Assembly Bill No. 694—An Act to abolish the Board of City Hall Commissioners, and to provide for the continuance of the construction of the City Hall of the City and County of San Francisco.

Also, Assembly Bill No. 283—An Act to amend sections two hundred and seventy and two hundred and seventy-one of, and to add sections two hundred and seventy-two, two hundred and seventy-three, and two hundred and seventy-four to the Code of Civil Procedure.

Also, Assembly Bill No. 741—An Act to legalize and confirm the levy, equalization, assessment roll, publication, and sale of real estate for the non-payment of taxes.

Also, Assembly Bill No. 746—An Act to authorize the Board of Supervisors of Santa Clara County to exempt firemen from payment of poll taxes for county purposes.

Also, Assembly Bill No. 520—An Act to provide for the establishment of cosmopolitan schools in the City and County of San Francisco.

Also, Assembly Bill No. 762—An Act relating to the School Fund of Lee School District, in Sacramento County.

NEWTON BOOTH,  
Governor.

At three o'clock and twenty minutes P. M., on motion of Mr. Snyder, the House took a recess until seven o'clock P. M.

#### EVENING SESSION.

House reassembled at seven o'clock P. M.

Speaker in the chair.

Roll called, and a quorum present.

#### RESOLUTIONS.

By Mr. Cowdery:

*Resolved by the Assembly, the Senate concurring, That the Enrolling Clerk of the Assembly be and he is hereby directed to insert in the title of Assembly Bill No. 430, after the word "amend." the word "section;" and also, to insert in the enrolled copy of said bill, now in the hands of the Governor, the same word in the same place.*

Adopted.

By Mr. Barton:

*Resolved, That the doors of this Assembly Chamber be thrown open at seven o'clock P. M., this evening, Monday, March thirtieth, free to the use of our common constituency, and they shall be entitled to the privilege of the lobby and gallery.*

Adopted.

By Mr. Meyers:

*Resolved, That R. Brown, Enrolling Clerk, be allowed two hundred and sixty-five dollars and forty cents, for contract work done in his office, under the direction of the Committee on Rules and Employés, and that the Controller of State be authorized to draw his warrant for the same on the Contingent Fund of the Assembly.*

Adopted.

MEYERS, for Committee.

On motion of Mr. Russell, Assembly Bill No. 796 was taken up, rules suspended. bill considered engrossed, read a third time, passed, and ordered transmitted to the Senate without engrossment.

# MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, indefinitely postponed Assembly Bill No. 218—An Act to redistrict the City and County of San Francisco, and to provide for the election of Supervisors therein.

Also, concurred in Assembly amendments to Senate Bills Nos. 543 and 555.

Also, adopted Assembly Concurrent Resolution No. 61—to compare Constitutional amendments as recorded in Journals of Senate and Assembly.

Also, passed Assembly Bill No. 793—An Act to provide for the disposition of the proceeds of poll tax in the County of El Dorado.

Also, passed Assembly Bill No. 794—An Act relative to the proposed amendments to the Constitution.

Also, amended and passed Assembly Bill No. 710—An Act to amend section five hundred and thirty-two of the Penal Code, and to add a new section to said Code.

Also, passed Assembly Bill No. 679—An Act to amend section twelve hundred and fifty four, Title VII, of the Code of Civil Procedure.

Also, passed Assembly Bill No. 658—An Act respecting actions against railroads.

Also, indefinitely postponed Assembly Bill No. 656—An Act to confer additional powers on municipal authorities in incorporate cities and towns in this State.

Also, passed Assembly Bill No. 513—An Act to amend section thirty-eight hundred and sixty-six of the Political Code.

Also, passed Assembly Bill No. 743—An Act to permanently locate the county seat of Fresno County.

Also, amended and passed Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Also, indefinitely postponed Assembly Bill No. 611—An Act authorizing and empowering the California Acclimatizing Society to provide for the restoration and preservation of fish in the waters of this State.

Also, indefinitely postponed Assembly Bill No. 698—An Act to amend section seven hundred and thirty-seven of the Political Code.

Also, amended and passed Assembly Bill No. 664—An Act to amend section twenty seven hundred and twenty-five of the Political Code.

Also, passed Senate Bill No. 392—An Act to amend section thirteen hundred and four of the Code of Civil Procedure.

Also, indefinitely postponed Assembly Concurrent Resolution No. 58—relative to liability of Central Pacific Railroad Company to convey State messengers free of charge.

Also, indefinitely postponed Assembly Bill No. 755—An Act to amend the Political Code.



Also, indefinitely postponed Assembly Bill No. 641—An Act to add another section to the Penal Code.

Also, indefinitely postponed Assembly Bill No. 576—An Act to amend sections one thousand and twenty-eight, forty-three hundred and thirty-three, and twenty-two hundred and twenty-one of the Political Code.

Also, indefinitely postponed Assembly Bill No. 588—An Act in relation to warehouse and wharfinger receipts, and other matters pertaining thereto.

Also, indefinitely postponed Assembly Bill No. 600—An Act to amend section thirty-five hundred and eighty-four of the Political Code.

Also, passed Assembly Bill No. 783—An Act to amend sections thirty-six hundred and ninety-four and thirty-seven hundred and thirteen of the Political Code.

Also, adopted report of Committee of Conference on Assembly Bill No. 785—An Act to amend sections thirty-seven hundred, thirty-seven hundred and one, and thirty-seven hundred and two of the Political Code.

Also, passed Assembly Bill No. 701—An Act to add another section to the Penal Code.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 664, above reported, Senate amendments concurred in.

Assembly Bill No. 472, above reported, Senate amendments concurred in.

Assembly Bill No. 710, above reported, Senate amendments concurred in.

Senate Bill No. 392, above reported, passage refused.

#### REPORTS.

Reports were made as follows:

By Mr. Swift:

MR. SPEAKER: The Committee on Corporations, to whom was referred Assembly Bill No. 602—An Act to regulate fares and freights, and other things, and prevent discrimination—have had the same under consideration, and do now report it back to the House, with the recommendation that it be stricken from the records and archives of this body, as an insult to the people of the State of California herein represented.

SWIFT, Chairman.

On the adoption of the report, the ayes and noes were demanded by Messrs. Swift, Terrill, and Norton, and the House so ordered, by the following vote:

AYES—Messrs. Ables, Aldrich, Barton, Bradley, Bryan, Burt, Byers, Canfield, Chandler, Coggins, Cowdery, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Griffen, Gray, Hamill, Hammitt, Heald, Higbie, Howe, Hurlburt, Kercheval, Long, McBride, McCallum, Miller,

Morgan, Murphy, Norton, Patterson, Pelham. Rea, Rogers, Roush, Russell, Simpers, Stowers, Summers, Swift, Terrill, Thomas, Vandall, Venable, Welch, Wickware, Williams, Winchell, and Mr. Speaker—53.

NOES—Messrs. Amerman, Bowers, Carter, Ferguson, Gilmore of Calaveras, Gurnett, Klotz, Northup, Parker, Peck, Pishon, Simpson, Tinnin, and Tully—14.

By Mr. Aldrich:

MR. SPEAKER: The Joint Committee appointed to consider the matters embraced in the memorial of the California Woman Suffrage Association, beg leave to submit the following report:

The committee have had several meetings, but have deemed it inexpedient to recommend any specific action, for the reason that a number of bills touching the legal rights and disabilities of women have been from time to time submitted to the consideration of the Legislature, and the members of the committee have given to such bills such personal support as in their estimation their merits demanded. One bill has become a law, which renders women eligible to educational offices throughout the State, except such as the Constitution may exclude them from. Such changes have been made in the Civil Code as will give married women a greater degree of control over their separate property than they have heretofore exercised. Other changes in the law favorable to the objects of the petitioners have been made, while some bills which, in our opinion, ought to have passed, have been defeated.

Your committee have not deemed it necessary to recommend the adoption of an amendment to strike out the word "male" from the Constitution, because a bill was introduced, at an early day, to call a Convention for the revision of the entire Constitution. A law has been passed which will, doubtless, result in the holding of such a Convention as early as practicable, and your committee anticipate many good results therefrom.

SELDEN J. FINNEY,  
DAVID GOODALE,  
Senate Committee.

W. A. ALDRICH,  
A. HIGBIE,  
PASCHAL COGGINS,  
Assembly Committee.

#### RESOLUTION.

By Mr. Williams:

*Resolved*, That the Sergeant-at-Arms and his clerk remain for three days after the adjournment of the Assembly, to transfer the property belonging to the State to the Secretary of State, and the Controller be and he is hereby directed to draw his warrants in their favor, at the usual per diem, and the Treasurer required to pay the same from the Contingent Fund of the Assembly.

Adopted.

#### REPORT.

By Mr. Gurnett:

MR. SPEAKER: The Alameda delegation, to whom was referred Senate

Bill No. 554—An Act to confer further powers upon the Board of Supervisors of Alameda County—have examined the same, and report it back, with the recommendation that it do pass.

GURNETT,  
AMERMAN.

Senate Bill No. 554, above reported, rules suspended, bill read a third time, and passed.

#### RESOLUTION.

By Mr. Williams:

*Resolved*, That the Enrolling Clerk is authorized to correct a clerical error in the title of Assembly Bill No. 783, by inserting "thirty-six hundred and ninety-six" in place of "thirty-six hundred and ninety-four."

Adopted.

#### REPORT.

By Mr. Freeman:

Mr. SPEAKER: The Committee of Conference on Assembly Bill No. 785—An Act to amend sections thirty-seven hundred, thirty-seven hundred and one, and thirty-seven hundred and two of the Political Code—having considered said bill, report the same back, with the recommendation that the Senate amendment providing for striking out, in lines seven and eight of section one, the words "and the annual salary of the ex officio member is one thousand dollars" be receded from by the Senate. Also, that the Senate amendment providing for striking out section two of the bill, and inserting in lieu thereof the words "Section two. This Act shall take effect and be in force from and after the thirtieth day of June, eighteen hundred and seventy-four," be concurred in by the Assembly.

W. W. PENDEGAST,  
GEO. S. EVANS,  
Senate Committee.

F. S. FREEMAN,  
JNO. C. GRAY,  
B. G. HURLBURT,  
Assembly Committee.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 126—An Act to amend the Civil Code.

Also, Assembly Bill No. 205—An Act to amend the Political Code.

Also, Assembly Bill No. 147—An Act to amend the Political Code in relation to highways.

Also, Assembly Bill No. 777—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a messenger to the Board of Fire Commissioners of said city and county.

Also, Assembly Bill No. 592—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Also, Assembly Bill No. 790—An Act to provide for the collection of delinquent reclamation assessments in Sacramento County.

Also, Assembly Bill No. 301—An Act to protect agriculture, and to prevent the trespassing of animals in Tehama County.

Also, Assembly Bill No. 45—An Act supplementary to and amendatory of an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight; also, an Act approved April first, eighteen hundred and seventy.

Also, Assembly Bill No. 66—An Act to prevent the trespassing of animals upon private property in the County of El Dorado.

Also, Assembly Bill No. 437—An Act to appropriate money to pay for services rendered the State by William Hale.

Also, Assembly Bill No. 430—An Act to amend section three thousand six hundred and seventeen of the Political Code.

Also, Assembly Bill No. 787—An Act to submit to the qualified electors of the City of Stockton the proposition to pay the claim of Henry Meyers.

Also, Assembly Bill No. 436—An Act to pay J. E. Foulds for services rendered to the Assembly Committee on Corporations, of the nineteenth session of the Legislature.

NEWTON BOOTH,  
Governor.

#### RESOLUTION.

By Mr. Murphy:

*Resolved*, That the adoption of the report of the Committee on Corporations was in no manner intended to cast reflection on the honor or honesty of the gentleman from Mariposa, Mr. Snyder, for whom the members of this Assembly have the highest esteem, both as a gentleman and a legislator.

On the adoption of the resolution, the ayes and noes were demanded by Messrs. Summers, Northcutt, and Klotz, and the House so ordered, by the following vote:

**AYES**—Messrs. Ables, Aldrich, Amerman, Barton, Bowers, Bradley, Bryan, Burt, Byers, Byrnes, Canfield, Chandler, Clark, Coggins, Cowdery, Cressler, Davis, Dixon, Fahey, Franck, Freeman, Freidenrich, Ferguson, Giffen, Gilmore of Calaveras, Gray, Gurnett, Hay, Heald, Higbie, Hill, Howe, Hurlburt, Kercheval, Klotz, Knox, Long, McBride, Meyers, Miller, Morgan, Murphy, Northup, Norton, Parker, Patterson, Paulsell, Peek, Pelham, Rogers, Roush, Russell, Stowers, Summers, Swift, Tinnin, Thomas, Tully, Vandall, Venable, Welch, Wickware, and Mr. Speaker—63.

**NOES**—None.

## MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and certain contracts and assessments for street work in said city and county.

Also, adopted the report of the Committee of Conference on Substitute for Assembly Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections.

E. L. CRAWFORD,  
Assistant Secretary.

## RESOLUTION.

By Mr. Coggins:

*Resolved*, That the sum of one dollar per day be and is hereby allowed to Hiram Clock, for services rendered as Porter, in taking charge of and keeping in good order Room Number Nineteen, occupied by Assembly Committee on Corporations, from the sixth day of December, eighteen hundred and seventy-three, to the thirtieth day of March, eighteen hundred and seventy-four, and that the Controller be instructed to draw his warrant for the same, payable out of the appropriation for the contingent expenses of the Assembly.

Referred to the Committee on Rules and Employés.

## REPORT.

By Mr. Venable:

Mr. SPEAKER: Your Committee on Irrigation beg leave to report that there is due Theo. Niebour the sum of ten dollars, and William Beatty the sum of five dollars, for services rendered at the request of the committee.

J. W. VENABLE, Chairman.

Referred to the Committee on Rules and Employés.

## RESOLUTION.

By Mr. Simpers:

*Resolved*, That the Minute Clerk is hereby directed to turn over the minutes of the House to the Chief Clerk, for the purpose of enabling him to proceed with the copying of the same for the use of the State Printer.

Adopted.

## REPORT.

By Mr. Freeman:

Mr. SPEAKER: The Committee of Conference on the disagreeing vote on the Assembly Substitute for Bills Nos. 1 and 26—An Act to amend certain sections of the Political Code, and to repeal certain other sections—have had the same under consideration, and now beg leave to make the following report:

We advise that the Senate recode from its amendment to section seventeen of the bill;

Also, from its amendments to section nineteen of the bill;

Also, from its amendments to section twenty of the bill;

Also, from its amendment to section thirty-one of the bill;

And that the Assembly concur in the other amendments to the bill made in the Senate.

W. A. ALDRICH,

W. J. TINNIN,

On the part of the Assembly.

IRWIN,

TUTTLE,

JAMES A. DUFFY,

On the part of the Senate.

Adopted.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 787—An Act to submit to the qualified electors of the City of Stockton the proposition to pay the claim of Henry Meyers;

Also, Assembly Bill No. 777—An Act to authorize the Board of Supervisors of the City and County of San Francisco to appoint a messenger to the Board of Fire Commissioners of said city and county;

Also, Assembly Bill No. 790—An Act to provide for the collection of delinquent reclamation assessments in Sacramento;

Also, Assembly Bill No. 430—An Act to amend section thirty-six hundred and seventeen of the Political Code;

Also, Assembly Bill No. 772—An Act authorizing the State Board of Examiners to allow certain claims against the State;

Also, Assembly Bill No. 613—An Act amending certain sections of the Political Code relating to the assessment of property for taxation;

And that the same were, this day, March thirtieth, eighteen hundred and seventy-four, at one o'clock and forty minutes P. M., delivered to the Governor, for his approval.

HAY, Chairman.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and found correctly enrolled Assembly Bill No. 660—An Act to legalize the assessment of a street tax in the City of Sacramento;

Also, Assembly Bill No. 788—An Act amendatory of an Act in relation to Coroners in the City and County of San Francisco;

Also, Assembly Bill No. 456—An Act to prevent hogs and goats running at large in the Town of Amador City, Amador County;

Also, Substitute for Assembly Bill No. 714—An Act to provide for the fitting up and use of the Governor's Mansion as a State Printing Office and State Armory;

Also, Assembly Bill No. 751—An Act in relation to the government of the County of Sacramento;

Also, Assembly Bill No. 789—An Act supplementary to an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court and its officers;

Also, Assembly Bill No. 784—An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots in the City and County of San Francisco;

Also, Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act entitled an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two;

Also, Substitute for Assembly Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure;

Also, Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners;

Also, Assembly Bill No. 519—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder;

Also, Assembly Bill No. 752—An Act to provide for the further construction of the City Hall in the City and County of San Francisco;

Also, Assembly Bill No. 770—An Act making appropriations for benevolent purposes, and to provide for certain deficiencies;

Also, Assembly Bill No. 242—An Act making appropriations for the support of the government of the State of California for the twenty-sixth and twenty-seventh fiscal years;

Also, Assembly Bill No. 654—An Act concerning the State Harbor Commissioners, and for other purposes;

Also, Assembly Bill No. 607—An Act providing for the removal of civil officers for a violation of official duties;

Also, Assembly Bill No. 507—An Act to amend certain sections of the Political Code in relation to the collection of poll taxes;

Also, Assembly Bill No. 613—An Act amending certain sections of the Political Code relative to the assessment of property for taxation;

And that the same have, this thirtieth day of March, eighteen hundred and seventy-four, at eight o'clock P. M., been delivered to the Governor, for his approval.

HAY, Chairman.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, indefinitely postponed Assembly Bill No. 544—An Act amendatory of an Act entitled an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts.

Also, passed Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes.

Also, adopted Assembly Concurrent Resolution No. 62—instructing the Enrolling Clerk to correct the title to Assembly Bill No. 430.

E. L. CRAWFORD,  
Assistant Secretary.

#### RESOLUTION.

By Mr. Meyers:

*Resolved*, That the Controller of State be authorized to take account of the enrolling done for this House, under the direction of the Enrolling Clerk, for this last day of the session, and that he allow at the rate of twenty cents per folio, less fifty folios, and that he be required to draw his warrant therefor in favor of Richard Brown on the Contingent Fund of the Assembly.

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

MR. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, refused to pass Assembly Bill No. 417—An Act to create the Twenty-first Judicial District.

Also, refused to pass Assembly Bill No. 553—An Act in relation to stock roads.

Also, passed Assembly Bill No. 795—An Act to amend the Political Code.

Also, passed Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California to audit and pay certain claims.

IRA H. REED,  
Assistant Secretary.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 242—An Act making appropriations for the support of the Government of the State of California for the twenty-sixth and twenty-seventh fiscal years.

Also, Assembly Bill No. 772—An Act authorizing the State Board of Examiners to allow certain claims against the State.



Also, Assembly Bill No. 478—An Act to add a section, to be numbered section two hundred and ninety-seven, to an Act to establish a Penal Code, approved February fourteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 751—An Act in relation to the government of the County of Sacramento.

Also, Assembly Bill No. 654—An Act concerning the State Harbor Commissioners and for other purposes.

Also, Assembly Bill No. 607—An Act providing for the removal of civil officers for a violation of official duties.

Also, Assembly Bill No. 616—An Act granting further powers to the Board of State Harbor Commissioners.

Also, Assembly Bill No. 714—An Act to provide for the fitting up and use of the Governor's Mansion for a State Printing Office and State Armory.

Also, Assembly Bill No. 456—An Act to prevent hogs and goats running at large in Amador City, Amador County.

Also, Assembly Bill No. 789—An Act supplementary to an Act entitled an Act to establish a Police Court in the City of Oakland, and define its jurisdiction, duties, and fees of Court and its officers, approved March tenth, eighteen hundred and sixty-six.

Also, Assembly Bill No. 788—An Act amendatory of and supplemental to an Act entitled an Act in relation to Coroners in the City and County of San Francisco, approved March sixteenth, eighteen hundred and seventy-two.

Also, Assembly Bill No. 770—An Act making appropriations for benevolent purposes.

Also, Assembly Bill No. 613—An Act amending certain sections of the Political Code relative to the assessment of property for taxation.

NEWTON BOOTH,  
Governor.

#### MESSAGES FROM THE SENATE.

The following messages were received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 633—An Act to prevent discriminations against female teachers.

E. L. CRAWFORD,  
Assistant Secretary.

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, indefinitely postponed Assembly Bill No. 655—An Act supplementary to and amendatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Santa Cruz.

Also, passed Senate Bill No. 502—An Act to provide for the investigation and adjustment of certain claims against Sonoma County.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGES.

Senate Bill No. 502, above reported, read first and second times, when Mr. Dixon objected to its third reading, and the bill went to the File.

#### RESOLUTION.

By Mr. Meyers:

*Resolved*, That B. F. Jeffries, Journal Clerk of the Assembly, be allowed four days pay (thirty-two dollars) for finishing, comparing, and ruling of the Journal; and the Controller of State is hereby directed to draw his warrant for the above sum, and the Treasurer be authorized to pay the same out of the appropriations for the Assembly.

Adopted.

#### REPORT.

By Mr. Meyers:

Mr. SPEAKER: The Committee on Rules and Employés, to whom was referred the report of the Committee on Irrigation, recommending pay to Theo. Niebour and William Beatty, for services rendered said committee, have considered the same, and report back the following:

*Resolved*, That twenty dollars be allowed Theo. Niebour, and five dollars to William Beatty, and that the Controller of State be authorized to draw his warrant for the same on the Contingent Fund of the Assembly.

Adopted.

#### RESOLUTION.

By Mr. Gilmore:

*Resolved by the Assembly, the Senate concurring*, That the Enrolling Clerk be authorized to correct a clerical error in Assembly Bill No. 507, by adding the figures 46 to 38, in section six, so that it shall read "Section 3846," instead of "Section 38."

Adopted.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, passed Assembly Bill No. 776—An Act providing for the paid fire department in the City and County of San Francisco.

Also, adopted Assembly Concurrent Resolution No. 63—to correct an error in Assembly Bill No. 507.

E. L. CRAWFORD,  
Assistant Secretary.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 633—An Act to prevent discrimination against female teachers.

Also, Assembly Bill No. 664—An Act to amend section two thousand seven hundred and twenty-five of the Political Code.

Also, Assembly Bill No. 513—An Act to amend section three thousand eight hundred and sixty-six of the Political Code.

Also, Assembly Bill No. 743—An Act to permanently locate the county seat of Fresno County.

Also, Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters.

Also, Assembly Bill No. 794—An Act relative to the proposed amendments to the Constitution.

Also, Assembly Bill No. 795—An Act to amend the Political Code.

Also, Assembly Bill No. 783—An Act to amend sections three thousand six hundred and ninety-six and three thousand seven hundred and thirteen of the Political Code.

Also, Assembly Bill No. 660—An Act to legalize the assessment of a street tax in the City of Sacramento.

Also, Assembly Bill No. 784—An Act to provide for the execution and delivery of deeds to purchasers of City Hall lots, in the City and County of San Francisco.

NEWTON BOOTH,  
Governor.

#### APPOINTMENT OF COMMITTEE.

Messrs. Swift, Williams, and Amerman were appointed a committee to wait upon the Governor, and inquire whether he had any further messages to communicate to this House.

#### REPORTS.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 783—An Act to amend sections thirty-six hundred and ninety-six and thirty-seven hundred and thirteen of the Political Code;

Also, Assembly Bill No. 793—An Act to provide for the disposition of the proceeds of poll taxes in the County of El Dorado;

Also, Assembly Bill No. 664—An Act to amend section twenty-seven hundred and twenty-five of the Political Code;

Also, Substitute for Assembly Bill No. 701—An Act to add another section to the Penal Code;

Also, Assembly Bill No. 794—An Act relative to the proposed amendments to the Constitution;

Also, Assembly Bill No. 472—An Act to encourage the planting and cultivation of oysters;

Also, Assembly Bill No. 679—An Act to amend section twelve hundred and fifty-four, Title VII, of the Code of Civil Procedure;

Also, Assembly Bill No. 743—An Act to permanently locate the county seat of Fresno County;

Also, Assembly Bill No. 513—An Act to amend section thirty-eight hundred and sixty-six of the Political Code;

Also, Assembly Bill No. 710—An Act to amend section five hundred and thirty-two of the Penal Code;

Also, Assembly Bill No. 643—Proposed amendments to the Constitution;

And have, this day, at nine o'clock and forty-five minutes P. M., delivered the same to the Governor, for his approval.

HAY, Chairman.

By Mr. Hay:

MR. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 786—An Act to ratify and confirm certain ordinances and resolutions, etc.;

Also, Assembly Bill No. 795—An Act to amend the Political Code;

Also, Assembly Bill No. 633—An Act to prevent discrimination against female teachers;

Also, Assembly Bill No. 759—An Act authorizing the Board of Regents of the University of California to audit and pay a certain claim;

Also, Assembly Bill No. 663—An Act to prohibit candidates for office from using or dispensing intoxicating liquors for electioneering purposes;

And have, this day, at ten o'clock and forty minutes P. M., delivered the same to the Governor, for his approval.

HAY, Chairman.

By Mr. Russell:

WHEREAS, T. H. Wallis has, during the present session of the Legislature, taken care of and kept in order Room Number Sixty-three, of the Capitol building, occupied by the Code Commissioners and the Committee on Ways and Means, and much used by other committees; therefore, be it

*Resolved*, That the sum of fifty dollars be and the same is hereby appropriated out of the Contingent Fund of the Assembly, to the payment of said T. H. Wallis for said services.

Adopted.

On motion of Mr. Cowdery, the Speaker and Chief Clerk were authorized to approve the Journal of to-day, after the same shall have been written up.

#### MESSAGE FROM THE SENATE.

The following message was received from the Senate:

SENATE CHAMBER,  
March 30th, 1874. }

Mr. SPEAKER: I am directed to inform your honorable body that the Senate, on this day, amended and passed Assembly Bill No. 796—An Act to elect certain officers in the City of Sacramento.

IRA H. REED,  
Assistant Secretary.

#### CONSIDERATION OF SENATE MESSAGE.

Assembly Bill No. 796, above reported, Senate amendments concurred in.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly Bill No. 701—An Act to add another section to the Penal Code.

Also, Assembly Bill No. 793—An Act to provide for the disposition of the proceeds of poll taxes in the County of El Dorado.

Also, Senate Substitute for Assembly Bill No. 32—An Act authorizing the appointment of certain permanent employes of the State Capitol, and fixing their compensation.

Also, Assembly Bill No. 507—An Act to amend certain sections of the Political Code, relating to collection of poll taxes, and to repeal section three thousand eight hundred and fifty-nine of said Code.

NEWTON BOOTH,  
Governor.

#### REPORT.

By Mr. Hay:

Mr. SPEAKER: Your Committee on Enrollment respectfully report that they have examined and find correctly enrolled Assembly Bill No. 776—An Act providing for a paid fire department in the City and County of San Francisco—and that the same were, this day, at eleven o'clock and thirty minutes P. M., delivered to the Governor, for his approval.

HAY, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 30th, 1874. }

*To the Assembly of the State of California:*

I have to inform your honorable body that I have approved Assembly

Bill No. 15—An Act to amend section fifty of the Code of Civil Procedure.

Also, Assembly Bill No. 776—An Act providing for a paid fire department in the City and County of San Francisco.

NEWTON BOOTH,  
Governor.

At eleven o'clock and fifty minutes P. M., the Secretary of the Senate appeared at the bar of the House, and announced that the business of the Senate was concluded, and that the Senate had no further communications to make to the Assembly.

#### RESOLUTION.

By Mr. Thomas:

*Resolved*, That the thanks of this Assembly be and are hereby extended to the Chief and Assistant Clerks, for the able manner in which they have performed their duties, and for their uniform courtesy to the members of the House.

Adopted.

At eleven o'clock and fifty-seven minutes P. M., Mr. Williams, from the special committee to wait on the Governor, appeared, and reported that the Governor had no further communications for the Assembly.

#### CLOSING REMARKS OF THE SPEAKER.

Mr. Estee said at the close:

*Gentlemen of the Assembly:* On retiring from the position to which your partiality assigned me, I may be pardoned for recurring to the leading events which have marked our official association.

My election to this position was due to your generous personal preference—not to a party caucus. I hence assumed the responsible duties of this chair under circumstances which left me free to form the committees in a manner unmarked by political lines. It was my hope, my earnest endeavor to do this. That in the main I was successful, is evinced by the unremitting labor and intelligent action of every committee of this House. No subject, however new or intricate, baffled your inquiry; no public institution, however commanding, escaped your scrutiny; not one "whitewashing" report emanating from you has been sent forth to deceive the people. While your investigations have been numerous, they have nevertheless been thorough and exhaustive.

Two questions commend themselves to wise legislators: First—To avoid bad legislation; and second—To pass no laws that are not clearly beneficial in their results. This Assembly has avoided the first danger to a greater degree than any within my knowledge. You have created no new nor given aid to any old monopoly; not one subsidy has been granted by you, and very few special privileges; no partisan measure has, through your efforts, become a law; the hitherto almost universal rule of devoting the last hours of the session to increasing the salaries of the employes of the Assembly, has not been honored this session. I am also reminded, in this connection, that for the first time in the history of this State, the Assembly has organized, proceeded with business, and adjourned without electing its officers for partisan reasons, and without

passing any measure in the interest of party at the expense of the people. Nor has one instance been brought to my attention wherein any one of the officers or employes of the House have lobbied for or against the passage of a bill. Indeed, much of the success of this Legislature—if it be a success—is due to the intelligent, unflagging labors of the clerks and Sergeant-at-Arms of the Assembly. The unvarying personal kindness that has prevailed among the officers and members cannot fail to give dignity to your character as men, and exalt your position as legislators.

The laws that you have passed this session will mark a new era in the history of the State. Chief among these, are the Acts relating to freights and fares; the apportionment of the State; the law creating a general system of irrigation; the no-fence law; the pauper Act; an Act for the government of the State Prison; the Act decreasing the salaries of State and county officers; to limit the number of acres of swamp lands that each person may be permitted to purchase; the repeal of the so-called five per cent Act; and the passage of the local option and compulsory education Acts. These are among the leading measures passed by you. Some of them have not become laws, but that responsibility does not rest upon you.

The contingent expenses of the House for this session, as appears by the Controller's books, including a high estimate made by him of the amount yet to be incurred, is only twenty-six thousand and five hundred dollars; while the contingent expenses for the nineteenth session were fifty-three thousand and fourteen dollars and seven cents, and for the eighteenth session (eighteen hundred and sixty-eight-sixty-nine), forty-eight thousand seven hundred and seventy-seven dollars and ninety-three cents. I beg to commend these figures to the careful consideration of the people of the State.

I cannot sever my connection with you without expressing, in the strongest terms that language can convey, the depth of my obligations to each and all of you. I am not unconscious of the errors I have committed—I am conscious of the generous manner in which you have overlooked them.

Trusting that Providence may protect each of you through life, and that a just people may appreciate and reward your devotion to the public weal, I declare this House adjourned *sine die*.

And, at twelve o'clock midnight, the House adjourned *sine die*.

D. T. LOOFBOURROW,  
Chief Clerk.

M. M. ESTEE,  
Speaker.